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Public service pension age



Summary

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Summary

The last Labour Government introduced reforms to public service pension schemes, with the aim of improving financial sustainability and reflecting changes in life expectancy, working practices and the private sector. They included increases in the pension age for new entrants.

After the 2010 election, the Coalition Government set up the [Independent Public Service Pensions Commission](#), chaired by former Labour Work and Pensions Secretary, Lord Hutton of Furness, to conduct a review of public service pensions. In its [interim report](#) in October 2010, the Commission said reforms to date had not gone far enough in responding to demographic change and did not significantly reduce current costs to taxpayers.

The Commission's [final report](#) in March 2011 recommended replacing the existing public service pension schemes with new ones by 2015. In most of these new schemes, members' normal pension age in the new schemes would be linked to their State Pension age (SPA). It said this link should be regularly reviewed, to make sure it is still appropriate, with a preference for keeping the two pension ages linked. For the 'uniformed services', the Commission recommended a normal pension age of 60, to be kept under review.

The Coalition Government accepted the Commission's recommendations as the basis for negotiation with the trade unions. It legislated in the [Public Service Pensions Act 2013](#) for a framework for new schemes to be introduced for future service from 2015 (2014 for local government).

[Section 18](#) of the Act provided for the 'legacy' schemes to close, except for those covered by transitional arrangements for those 'closest to retirement', who could remain in their existing scheme either until retirement, or for a limited period, depending on their age. Otherwise, active scheme members on 1 April 2015 were transferred to the reformed schemes.

[Section 10](#) of the 2013 Act provided that individuals in the new schemes would have a normal pension age linked to the State Pension age, except for the new schemes for firefighters, police and armed forces, which have a normal pension age of 60.

The link to the State Pension age caused widespread concern among public sector unions, some of whom launched a '[68 is too late](#)' campaign. An area of particular debate was the impact on certain groups – such as paramedics, prison officers, MoD police and firefighters and Civil Nuclear Police – given the demands of those roles.

However, there was also concern about a pension age of 60 for some members of the 'uniformed services.' The [Fire Brigades Union](#), for example,

argued that this was too high and that any change should be dictated by the required age-profile of the service rather than life-expectancy in retirement.

In December 2018, the Court of Appeal ruled in [McCloud v Ministry of Justice](#) that the ‘transitional protection’ offered to some members as part of the 2015 reforms amounted to unlawful discrimination. The Government said in [July 2019](#) that, although the court’s judgement was in relation to the schemes for the judiciary and firefighters, the difference in treatment would need to be remedied across public service pension schemes.

In its [response to the consultation](#) in February 2021, the Government said it would legislate to allow public service pension scheme members a choice, shortly before their benefits came into payment about whether to have built up benefits in the relevant legacy or reformed 2015 scheme for the ‘remedy period’ (1 April 2015 to 1 April 2022). From April 2022, it would close the legacy schemes to future service. From that date all members would build up benefits in the relevant reformed scheme. In relation to membership of the reformed schemes from April 2022, the Government said the main issues raised by respondents to the consultation related to the increased pension ages under the reformed schemes (para 2.14-5).

The Government is currently legislating in the [Public Service Pensions and Judicial Officers Bill \[HL\] 2021-22](#) for a remedy to the unlawful discrimination identified by the Court of Appeal and to close the legacy pension schemes to further accruals from 1 April 2022.

A [Westminster Hall debate](#) on the pension age for prison officers is scheduled for Wednesday 16 November.

For more detail, see [Public service pensions – response to McCloud](#), Commons Library Briefing Paper, CBP 9177. For more on the background, see [Public service pension age – the Labour Government’s reforms](#), Commons Library Briefing Paper CBP 2209, November 2018.

1 Background

The ‘normal pension age’ is the earliest age on which a scheme member can generally draw an unreduced pension. If drawn early (other than on ill-health grounds), the pension will generally be “actuarially reduced” to reflect the fact that it is likely to be in payment for longer. If a person has left their job before becoming entitled to their pension, they can claim it from the “deferred pension age”, under scheme rules.

The last Labour Government introduced reforms to public service pension schemes, with the aim of improving financial sustainability and reflecting changes in life expectancy, working practices and the private sector.¹ They included increases in the normal pension age, mostly for new entrants.² The pension ages in the main public service schemes following these reforms are summarised in the table below:

Normal pension age in the main public service pension schemes post-2007-08 reforms	
Local government	65. The ‘rule of 85’ allowing earlier retirement on a full pension was abolished for existing members on 30 September 2006, with transitional protection.
Civil service	65 for new entrants from 30 July 2007, 60 for existing members
NHS	65 for new entrants from 1 April 2008, 60 for existing members
Teachers	65 for new entrants from 1 Jan 2007, 60 for existing members
Firefighters	60 for new entrants from April 2006, 55 (or 50 for existing members)
Police	An unreduced pension can be drawn from age 55 after 30 years’ service, or at age 50 with 25 years’ service for existing members
Armed forces	55

¹ Department of Trade Industry, [Pensions Update – October 2005](#),

² [Independent Public Service Pensions Commission: Interim Report](#), 7 October 2010, p9

The National Audit Office (NAO), which looked at changes introduced in the Teachers', NHS and civil service schemes in 2007-08, summarised the main changes aimed at reducing and better managing taxpayer costs as being:

- **Employee contribution rates** were increased for NHS staff and teachers;
- The **normal pension age** rose from 60 to 65 for most new staff;
- A “**cost sharing and capping**” mechanism [...] was introduced to spread future cost increases between employers and employees.³

Overall, it concluded that the reforms were “on course to deliver substantial savings, long-term costs are projected to stabilise around their current levels as a proportion of GDP.” The changes were also “set to manage one of the most significant risks to those costs, by transferring from taxpayers to employees, additional costs arising if pensioners live longer than is currently projected.” It expected the changes to “reduce annual costs to taxpayers in 2059-60 by 14 per cent compared to what they would have been without the changes.”⁴ The increase in the normal pension age accounted for 43% of the savings by 2059-60. However, it had a delayed impact and therefore only contributed 25% of savings over the whole period.⁵

³ For a definition of cap and share, see HM Treasury, [Long-term public finance report](#), Dec 2009, Box 6A

⁴ Ibid

⁵ [The impact of the 2007-08 changes to public service pensions, HC 662, 2010-2011, NAO, para 2.1 and 2.7](#)

2

The Coalition Government's reforms

2.1

Independent Public Service Pensions Commission

After the 2010 general election, the Coalition Government said it would set up “an independent commission to review the long-term affordability of public sector pensions, while protecting accrued rights.”⁶ The June 2010 Budget announced the establishment of the Independent Public Service Pensions Commission, to be chaired by former Labour Work and Pensions Secretary of State, Lord Hutton of Furness. The Commission would “undertake a fundamental, structural review of public service pension provision by Budget 2011 and consider the case for short-term savings in the Spending Review period, by September 2010.”⁷

The Commission's interim report, published in October 2010, identified increasing longevity as a particular concern:

Ex.15 The expected proportion of adult life spent in retirement has increased as people live longer. A male pensioner in the NHS scheme who retired at 60 today is expected to spend 41 per cent of their adult life in retirement compared to 28 per cent if they retired in 1955. This means the value of a public service pension in 2003-04 is expected to be around a third higher than it would have been if assumptions about life expectancy were the same as those in 1955.

Ex.16 The increase in longevity also means that these pensions are now likely to be paid out for longer, increasing the overall costs. These extra costs, despite recent reforms, have not been equally split between employer and employees.⁸

It concluded that reforms to date had not gone far enough in responding to demographic change and did not significantly reduce current costs to taxpayers.⁹ The fact that increases in the normal pension age applied to new entrants only, meant that savings would build up gradually:

2.8 The overall cost savings from these reforms, compared with the costs that might otherwise have arisen, vary considerably between schemes.

⁶ [The Coalition: Our programme for government](#), May 2010, page 26

⁷ HM Treasury, [Budget 2010](#), HC 61, June 2010

⁸ [Independent Public Service Pensions Commission: Interim Report, 7 October 2010](#), p11

⁹ [Independent Public Service Pensions Commission: Interim Report](#), 7 October 2010, p39

Over the next 30 years, expected savings under the reforms of the uniformed service schemes range from under a tenth of overall cost for the armed forces to about a fifth for police and a third for firefighters. However, the savings will build up gradually, in line with the gradual increase in the proportion of members accruing benefits under the new pension terms. Consequently, because of protections for existing members' past and future service, overall costs for these schemes are predicted to remain at over a third of pensionable pay for much of the next decade.

2.9 Across the four largest categories of scheme (local government, civil service, NHS and teachers) cost savings from the reforms, compared with what costs might have been, may be equivalent to five per cent or more of overall scheme cost by the 2040s. This estimate excludes any allowance for the possible effects at future pension scheme valuations of new arrangements for risk transfer (cap and share).

2.10 However, as with the uniformed services, because of protections given to existing members in respect of future service, it will be some time before the full impact of the reforms appears in employer contribution rates. Also, some of those savings may be offset by future increases in employer costs rather than being reductions from the current levels of cost.¹⁰

Furthermore, the 'cap and share' arrangements that formed part of the 2007-08 reforms, would not deal with increases in cost that had resulted from increases in longevity in recent decades.¹¹

Link to the State Pension age

In its final report, published in March 2011, the Commission recommended that the Government should introduce new public service pension schemes by the end of the Parliament in 2015.¹² These new schemes would need to have mechanisms to deal with the associated costs arising from increasing longevity. Having considered different possible mechanisms that could be applied, the Commission recommended that:

The Government should increase the member's normal pension age (NPA) in the new schemes so that it is in line with their State Pension Age (SPA). However, the link between the SPA and NPA should be regularly reviewed to make sure it is still appropriate, with a preference for keeping the two pension ages linked (recommendation 11).¹³

¹⁰ [Independent Public Service Pensions Commission: Interim Report](#), 7 October 2010

¹¹ *Ibid*, para 2.24-5

¹² [Independent Public Service Pensions Commission: Final Report](#), 10 March 2011, recommendation 26

¹³ *Ibid*, para 4.9-4.23

The effect of the Commission's recommendation was that members of the 2015 schemes (except those for the uniformed services) have pension ages linked to their State Pension age.

Police, firefighters and armed forces

The Commission acknowledged that different considerations applied to the uniformed services, where "pension ages of 55 or less have been used to recognise the effects of ageing and limitations on longevity." It said that these factors, while important, were not as significant as they once were:

This is, for example, reflected in the increases in longevity seen across all groups and in some of the changes already made to public service pension terms. These include the pension age of 65 that applies to new entrants to professions such as nursing or custody and care of prisoners and the normal pension age of 60 in the Firefighters Pension Scheme 2006 for those who serve until 60. And early leavers in the uniformed services now generally have a NPA of 65.¹⁴

Nonetheless, this did not take away from the fact that the "nature of the work the uniformed services perform is unique" and needed to be reflected in their NPAs. The Commission recommended a NPA of 60:

The key design features contained in this report should apply to all public service pension schemes. The exception is in the case of the uniformed services where the NPA should be set to reflect the unique characteristics of the work involved. The Government should therefore consider setting a **new NPA of 60 across the uniformed services**, where the NPA is currently below this level in these schemes.¹⁵

This needed to be kept "under regular review to make sure it is still appropriate, given future changes in life expectancy projections and experience of healthy life expectancy."¹⁶

Protection for accrued rights

Under its terms of reference, the Commission was asked to ensure that its recommendations protected accrued rights.¹⁷ This meant that any increase in the normal pension age would be for future service only:

For example, service earned on the basis of a specific pension age could not be changed without a member's consent and therefore pension rights earned up to the date of any change would be based on the current pension ages that apply to that service. To illustrate that, someone who had been earning benefits that would be paid on an unreduced basis from

¹⁴ [Independent Public Service Pensions Commission: Final Report](#), 10 March 2011, para 5.6-7

¹⁵ [Independent Public Service Pensions Commission: Final Report](#), 10 March 2011, p111-12, recommendation 14

¹⁶ *Ibid*, para 5.24

¹⁷ [Independent Public Service Pensions Commission: Interim Report](#), 7 October 2010,

a Normal Pension Age (NPA) of 60 would continue to be able to take those pension rights earned up to the date of the change at age 60.¹⁸

Because of this, the Commission argued that those in existing members in their 50s should experience limited change to the benefit they would expect to accrue:

7.34 The Commission's expectation is that existing members who are currently in their 50s should, by and large, experience fairly limited change to the benefit which they would otherwise have expected to accrue by the time they reach their current scheme NPA. This would particularly be the case if the final salary link is protected for past service, as the Commission recommends. This limitation of impact will also extend to people below age 50, proportionate to the length of time before they reach their NPA. Therefore special protections for members over a certain age should not be necessary. Age discrimination legislation also means that it is not possible in practice to provide protection from change for members who are already above a certain age.

7.35 Those employees who intend to take their pension in the next few years could do so before the new terms are introduced. An employee now aged around 50 with many years of service in a scheme with an NPA of 60 would retain the link to his or her final salary for past service, while accruals from about the age of 55 would be under the new terms with a higher NPA. Although the exact impact of this will depend on individual circumstances and the scheme parameters, it is likely that most people currently in their early 50s will have a slightly lower pension if they choose to retire at their current pension age. Individuals could choose either to retire at the age of 60 with a slightly reduced pension, or work for a little longer in order to obtain the same pension income as that which would previously have been payable at 60.¹⁹

For this reason, it did not recommend that scheme members above a particular age should be exempt from the reforms:

The Commission's expectation is that existing members who are currently in their 50s should, by and large, experience fairly limited change to the benefit which they would otherwise have expected to accrue by the time they reach their current scheme NPA. This would particularly be the case if the final salary link is protected for past service, as the Commission recommends. This limitation of impact will also extend to people below 50, proportionate to the length of time before they reach their NPA.²⁰

¹⁸ [Independent Public Service Pensions Commission: Final Report](#), 10 March 2011, para 7.24

¹⁹ Ibid

²⁰ Ibid, p155, para 7.34

2.2

Negotiations on reform

On 17 June, Chief Secretary to the Treasury, Danny Alexander, said the Government was proposing that, as recommended by Lord Hutton, that the normal pension age for members of public service schemes (other than the uniformed services) should be linked to their State Pension age (SPA):

For that reason, we are proposing to link the Normal Pension Age to the State Pension Age. That is, we propose linking the age you can draw your occupational pension, to the age that you can draw your State pension. And the two would continue to track each other in the future as we as a society benefit from greater longevity. Through this change we would move the proportion of adult life spent in retirement for public service workers back to about a third – that’s roughly where it was in the 1980s. The exception is the uniformed services – the armed forces, police and firefighters – where the pension age has historically been lower to reflect the unique nature of their work. We accept Lord Hutton’s recommendations in this case that 60 should be the benchmark Normal Pension Age for the uniformed services.²¹

He confirmed that accrued rights would be protected:

The benefits that you have already secured under the current final salary scheme would be protected. Let me be clear what this means: for what you have accrued, the ‘final salary’ which is used to calculate that pension would be the one you have when you eventually decide to retire or leave the scheme altogether. And again, for what you have accrued, we would not be changing the age at which you can claim those benefits. You could still draw that part at the retirement age that you were originally expecting to claim it. We will honour, in full, the benefits earned through years of service. No ifs, no buts.²²

On 2 November 2011, the Government set out an offer to the public service unions, saying a key driver for reform was longevity:

People are living much longer. Current public service pension provision is no longer affordable because people are spending longer in retirement. This is the main risk to the sustainability of public service pensions.²³

To address this, the normal pension age in the new public service pension schemes would be linked to the State Pension age:

3.21 Lord Hutton recommended that the Normal Pension Age be linked to the State Pension Age in order to manage the increasing cost of pensions

²¹ [Danny Alexander, Speech to IPPR, 17 June 2011](#)

²² Ibid

²³ HM Treasury, [Public service pensions: good pensions that last](#), Nov 2011, para 1.5 and 1.12

as people live longer. The Government strongly believes that linking public service pension ages to the State Pension Age is fair for all.

The Government proposed transitional arrangements, so that those with 10 years or less to their pension age on 1 April 2012 would “see no change in when they retire, nor any decrease in the amount of pension they receive at their current Normal Pension age”.²⁴ It was also willing to consider tapering of transitional protection over a further three to four years (for example, to people in their late forties at the date of change).²⁵ As regards younger people, it said that linking the normal pension age to the SPA did not mean they would be forced to work until that age. They would have the option of drawing their occupational pension earlier than that, although any part of it being drawn early would be actuarially reduced to reflect the fact that they will be in payment for longer.²⁶

On 20 December, Danny Alexander announced that “heads of agreement” had now been established with “most unions in the local government, health, civil service and teachers’ schemes.” This included a link between the normal pension age and the State Pension age in the new schemes:

The case for reform is self-evident. The average 60-year-old lives longer now than in the 1970s. That means that people are living in retirement for longer. The life expectancy of a 60-year-old was 18 years in the 1970s; that has risen to 28 years today. As a result, the cost of public service pensions has risen to £32 billion a year—an increase of one third over the last 10 years. [...] From the beginning of this process, we have committed to ensuring that public service pension schemes continue to offer a defined benefit pension that is based on the size of the worker’s salary and is not dependent on the market performance of a fund. That is not available to most people in the private sector. From the beginning, we have been clear that all accrued rights will be protected in full, and that the taxpayer needs to be properly protected from the risks associated with further increases in life expectancy by linking the scheme normal pension age to the state pension age.²⁷

And as proposed on 2 November, there would be transitional protection for those closest to retirement:

Because heads of agreement have been reached, the better offer that I made in November has been secured by trade unions for their members, including the “no change” guarantee for workers 10 years from retirement.²⁸

²⁴ HM Treasury, [Public Service Pensions: good pensions that last](#), Cm 6214, Nov 2011

²⁵ [HM Treasury website - Public service pensions - what are the proposed changes?](#)

²⁶ The Cabinet Office pension reform [calculator](#) assumes a reduction of 5% a year for the first five years and 3% a year after that (e.g. a 34% reduction for a pension drawn 8 years early).

²⁷ [HC Deb, 20 December 2011, c1202](#)

²⁸ Ibid

Further detail in connection with scheme-specific announcements.²⁹ For example, regarding future increases in the SPA:

If a member's SPA rises, the NPA will do so too for all post 2015 service. Those within 10 years of NPA are excluded and accrued rights will also be related to the existing NPA.³⁰

The link with the State Pension age would be kept under review, as the Commission had recommended.³¹ One issue still under discussion related to pension age for those in frontline and physically demanding roles, such as the emergency services and prison officers.³² Proposed final agreements for the police, firefighters and armed forces were published between May and October 2012.³³

Response

The proposed reforms were welcomed by some commentators. The Institute for Fiscal Studies said the increase in the normal pension age was, on its own, a "significant reduction in generosity." Aligning it with the State Pension age was "a coherent response to increasing longevity."³⁴ Responding to the Government's announcement on 2 November, the National Association of Pension said the reforms were necessary to guarantee the "long-term sustainability" of public service pensions.³⁵

However, trade unions representing public sector workers expressed concern. In its submission to the Commission's final report, the TUC said it believed "cap and share" was the appropriate mechanism for responding to demographic change:

The existing cap and share framework provides the right mechanism for sharing the risks inherent in providing such schemes between members and employers and ultimately the taxpayer. In particular, the flexibility that can be achieved through a system based on negotiations offers a more robust approach to risk sharing than a mechanistic approach based around specific factors such as mortality. The experience of the last decade demonstrates that cap and share is a practical approach.³⁶

²⁹ [HC Deb, 20 December 2011, c151-61WS.](#)

³⁰ [HC Deb, 20 December 2011, c160WS.](#)

³¹ [NHS Pension Scheme Heads of Agreement](#), Annex B, para 5

³² [HC Deb, 20 December 2011, c151-61WS](#); See also [HC Deb, 19 July 2011, c899W](#)

³³ [HC Deb, 24 May 2012, c77-9WS](#); [HC Deb, 4 September 2012, c19-22WS](#); [HC Deb, 16 October 2012, c15-6WS](#)

³⁴ [Carl Emmerson, Public sector pay and pensions – presentation given in response to Autumn Statement, November 2011](#)

³⁵ [NAPF press release, Government's offer on public sector pensions reforms - NAPF Comment, 2 November 2011](#)

³⁶ [TUC evidence to the Independent Public Service Pensions Commission no. 2, December 2010](#); [HC Deb, 20 December 2011, c1206](#)

Individual unions expressed concern about the State Pension age link. The Association of Teachers and Lecturers, for example, said:

ATL members should be able to live with dignity and enjoy a period of time in retirement while they have the health and capacity to do so. Retirement ages in the TPS and LGPS must reflect the capacity of the employee to do the job as effectively and efficiently as possible in order to meet the demands of the profession. Normal retirement ages in the TPS and LGPS should be maintained as they are at present.³⁷

The British Medical Association said it believed that “another increase in the normal pensionable age for NHS staff would be unacceptable, particularly so soon after the introduction of a new scheme to which both unions and employers agreed.”³⁸ UNISON opposed the change, arguing that evidence suggested that “the life expectancy of public service workers does not mirror the general advance of the population as a whole because lower life expectancy is linked to low earnings.”³⁹ The GMB argued that “the raising of retirement ages is unrealistic in the current economic climate and will simply mean that pension calculations are reduced.”⁴⁰ The Fire Brigades Union argued that a normal pension age of 60 for firefighters was too high and that any change should be dictated by the required age-profile of the service rather than life-expectancy in retirement.⁴¹

³⁷ [Policy on pensions, ATL, 2011](#)

³⁸ [NHS Pension Scheme – myths and facts, BMA, June 2010](#)

³⁹ [Hutton recommendations – UNISON comment](#)

⁴⁰ [GMB Press Release, 10 March 2011, Final Hutton report – more recipe for disaster than blueprint for reform](#)

⁴¹ [Evidence from the Fire Brigades Union to the Independent Public Service Pensions Commission’s call for further evidence](#)

3

Public Service Pensions Act 2013

Section 10 of [Public Service Pensions Act 2013](#) provided that:

- For members of most of the new schemes, a normal pension age linked to their State Pension age, or 65, whichever is lower;
- For members of the schemes for the police, firefighters and armed forces, a pension age of 60.

An increase in an individual's SPA would affect all benefits earned in the scheme:

71. The effect of this section is to require normal and deferred pension ages in schemes made under powers in the Act, or governed by provisions in it, to change in line with any change to state pension age. So, where state pension age increases by one year the relevant normal and deferred pension ages would need to increase by one year. The increase would apply to all relevant benefits earned in a scheme set up under the Act where the normal and deferred pension age have been linked to state pension age. This will mean that if the state pension age changes, an active member of a scheme set up under the power in section 1 will take their entire relevant pension entitlements in that scheme at the new normal pension age, including those earned before the change to state pension age. It will not affect pension benefits that were accrued before the scheme member transferred into the public service pension scheme set up under or governed by the Act. Those pension benefits may be taken at the normal pension age for the scheme in which they were accrued, and on the terms that apply to that scheme.⁴²

The Independent Public Service Pensions Commission recommended that its recommended reforms should be part of a UK-wide framework with limited adaptations for meet local circumstances.⁴³

Accordingly, the [Public Service Pensions Act 2013](#), applies to the UK as a whole.⁴⁴ Although the Scottish Government have power to make regulations for the NHS, teachers, local government police and firefighters pension schemes in Scotland, this is within the framework set by the 2013 Act, which prescribes the normal pension age in section 10.⁴⁵ The same applies to the

⁴² [Explanatory Notes](#)

⁴³ Independent Public Service Pensions Commission: Final Report, 10 March 2011, para 5.26-7

⁴⁴ [Section 40](#)

⁴⁵ *Scotland Act 1998*, Sch 5; [Public Service Pensions Act 2013](#), s3

National Assembly for Wales, which has power to make regulations for firefighters in Wales.⁴⁶

Section 10 of the [Public Service Pensions Act \(Northern Ireland\) 2014](#) provides for pension age linked to the State Pension age for most of the new public service schemes introduced in 2015. The police and firefighters have a pension age of 60. This legislation was needed because the Executive did not agree to a legislative consent motion for public service pensions.⁴⁷

3.1 McCloud remedy

Under [section 18](#) of the Act, there was protection for accrued rights and transitional protection arrangements to enable those ‘closest to retirement’ to remain in their existing schemes either until retirement, or for a limited period, depending on their date of birth. In December 2018, the Court of Appeal ruled in [McCloud v Ministry of Justice](#) that the ‘transitional protection’ offered to some members as part of the reforms amounted to unlawful discrimination.⁴⁸

In July 2019, having been denied permission to appeal, the Government said the matter would be remitted to the Employment Tribunal, which would determine the remedy for judges and firefighters. However, the issues would need to be addressed across public service schemes:

The court has found that those too far away from retirement age to qualify for ‘transitional protection’ have been unfairly discriminated against. As ‘transitional protection’ was offered to members of all the main public service pension schemes, the government believes that the difference in treatment will need to be remedied across all those schemes. This includes schemes for the NHS, civil service, local government, teachers, police, armed forces, judiciary and fire and rescue workers. Continuing to resist the full implications of the judgment in Court would only add to the uncertainty experienced by members.

The matter will be remitted to the Employment Tribunal in respect of the litigants in the firefighters and judicial pension schemes. It will be for the Tribunal to determine a remedy. Alongside this process, government will be engaging with employer and member representatives, as well as the devolved administrations, to help inform our proposals to the Tribunal and in respect of the other public service pension schemes.⁴⁹

⁴⁶ [Government of Wales Act 2006](#), s94 and Sch 5 and 7

⁴⁷ [NI Public Service Pensions Proposal, Statement to the Assembly by Sammy Wilson MP MLs, Minister for Finance and Personnel, 26 November 2012](#)

⁴⁸ [Lord Chancellor and Secretary of State for Justice v McCloud and Mostyn, Home Secretary and Welsh Ministers v Sargeant \[2018 ECWA Civ 2844\]](#)

⁴⁹ [HCWS 1725 15 July 2019](#)

HM Treasury launched its consultation in July 2020.⁵⁰ In its [response to the consultation](#) in February 2021, the Government said it would legislate to allow public service pension scheme members a choice, shortly before their benefits came into payment about whether to have built up benefits in the relevant legacy or reformed 2015 scheme for the ‘remedy period’ (1 April 2015 to 1 April 2022). From April 2022, it would close the legacy schemes to future service. From that date all members would build up benefits in the relevant reformed scheme.⁵¹

As discussed in section 4.3 below, trade unions and staff representative groups – such as prison officers, ambulance staff and military police and firefighters – have raised concerns about the pension age in the reformed schemes. In its response to the consultation, the Government said that the main issues raised by respondents related to higher normal pension ages under the reformed schemes. Respondents from some workforces, mainly firefighters and police, argued that they believed the reforms also discriminated on the basis of sex. For example, the Fire and Rescue Services Association (FRSA) were concerned generally around the effect of increased NPAs for female employees, very few of whom would be able to meet fitness standards to normal pension age due to genetics. There was also concern about indirect age discrimination, as younger members would have to work for longer.⁵² Concerns were also expressed about the impact on those who were members of schemes with a link to the State Pension age. For example, Ministry of Defence police officers who are members of the civil service schemes, raised concerns about being put into schemes with increased NPAs.⁵³

In addition, a specific issue had been raised regarding whether moving members of the legacy police and firefighter schemes to the reformed schemes introduces a new discrimination based on age. The Equality Impact Assessment says analysis is being conducted by individual schemes on the potential impact of this:

The government is also aware of an issue specific to a minority of schemes, upon which some of the measures in the Bill may impact. In particular police and firefighter legacy schemes, a member may take their benefits after a certain number of years’ service, even where that member has not attained 55 years of age. Two members may therefore have joined the relevant police or firefighter scheme on the same date (but at different ages) and achieve the requisite number of years’ service at the same time (but at different ages). Where those members have also accrued benefits in a reformed scheme, the older member is more likely to be able to access those (reformed scheme) benefits simultaneously, as

⁵⁰ HM Treasury, [Public service pension schemes: changes to the transitional arrangements to the 2015 schemes](#), CP 253, July 2020

⁵¹ HM Treasury, [Public service pension schemes: changes to the transitional arrangements to the 2015 schemes. Government response to consultation](#), CP 353, Feb 2021

⁵² HM Treasury, [Public service pension schemes: changes to the transitional arrangements to the 2015 schemes. Government response to consultation](#), CP 373, Feb 2021, para 2.14-8

⁵³ Ibid p36

they are more likely to have achieved the minimum pension age in the reformed scheme (which is 55 years of age). A member who has not attained the age of 55 at the point they become eligible to take benefits from the police or firefighter legacy schemes in question will become a deferred member in respect of any connected reformed scheme benefits. As at paragraphs 1.79 to 1.80 above, further analysis will be conducted by individual pension schemes as to the potential impact of this in such cases.⁵⁴

3.2 Public Service Pensions and Judicial Offices Bill

The Government is currently legislating in the [Public Service Pensions and Judicial Officers Bill \[HL\] 2021-22](#) for a remedy to the unlawful discrimination identified by the Court of Appeal and to close the legacy pension schemes to further accruals from 1 April 2022. As a result, all members of public service pension schemes would have to accrue pension benefits in a new scheme from that date.

⁵⁴ HM Treasury, [Public Service Pensions and Judicial Offices Bill: Equality Impact Assessment](#), July 2021



4

The State Pension age link

From the 1940s, SPA was 60 for women and 65 for men. Since then:

- The SPA for women started to rise from 60 in April 2010, reaching 65 in December 2018;
- The equalised SPA rose to 66 between December 2018 and October 2020;
- The SPA will then rise to 67 between 2026 and 2028.⁵⁵

Current legislation also provides for the SPA to increase to 68 between 2044 and 2046. However, following a review required under section 27 of the [Pensions Act 2014](#), this is expected to be brought forward to between 2037 and 2039.⁵⁶

4.1

Provision for review

The Independent Public Service Pensions Commission recommended that “the link between the SPA and NPA should be regularly reviewed to make sure it is still appropriate, with a preference for keeping the two pension ages linked.”⁵⁷

When the legislation was before Parliament, the then Shadow Financial Secretary, Chris Leslie, said the Opposition agreed in principle that normal pension ages should increase. However, the link with the SPA should be regularly reviewed to ensure it remained appropriate in light of scheme members’ longevity.⁵⁸

In response, the then Economic Secretary to the Treasury, Sajid Javid said reviews would be carried out as and when future changes to the State Pension age were announced:

The Government accept the recommendation that these provisions should be reviewed, and we intend those reviews to be carried out as and when future changes to the state pension age are announced. The Government

⁵⁵ Pensions Act 1995, Schedule 4, as amended by the Pensions Acts of 2011 and 2014

⁵⁶ Pensions Act 2007, s13; DWP, [State Pension age review](#), July 2017; For background see [State Pension age review](#).

⁵⁷ [Independent Public Service Pensions Commission: Final Report](#), 10 March 2011, p94

⁵⁸ [PBC Deb. 13 November 2012, c339](#)

have already committed to an automatic review of the state pension age to ensure that it keeps pace with increases in longevity.⁵⁹

The Government believed the provisions in the Bill were correct:

They are based on Lord Hutton's recommendations, they are a vital step in protecting the taxpayer from escalating costs, and they are the basis on which agreements have been reached with the majority of trade unions. Secondly, as I have set out, the Government have already committed to reviewing the state pension age, which underpins the public service pension age provisions, to ensure that it keeps pace with increases in longevity.

In light of that, it is also sensible to wait for clarity on the timing and regularity of state pension age reviews before finalising the arrangements for reviewing public service pension age provisions. The state pension age reviews will apply to more than just the pensions established in the Bill, and it is important that the Bill does not restrict the flexibility to design such reviews. I therefore urge the hon. Gentleman to withdraw the amendment.⁶⁰

Mr Leslie said he did not understand how, given the strictness with which the link was set out in the Bill, it could be varied if a review found it was no longer appropriate.⁶¹ The Minister responded that:

If, for any reason, a future review suggested that the state pension age was not tracking longevity, as was intended in the Bill, it would require the Government of the day to make a change through legislation. That would require proper scrutiny and all procedures that we would expect in Parliament.⁶²

In the House of Lords, the Government confirmed that it would not put the details of reviews of the normal pension age on the face of the Bill. Lord Newby said:

It would be premature at this point to seek to lock down the details of the reviews for public service pension ages. The state pension age reviews will obviously apply to more than just the pensions established in the Bill. It is important that the Bill does not restrict the flexibility to design those reviews. Even though the reviews are not in the Bill, this does not restrict the powers to change the pension age provisions. Changes to state pension age will require primary legislation so any consequent changes to this Bill could be made [...] at the same time.⁶³

⁵⁹ Ibid c340

⁶⁰ Ibid, c340

⁶¹ Ibid, c340

⁶² Ibid, c341

⁶³ [HL Deb, 15 January 2013, c622](#) [Lord Newby]

In his final report for the first State Pension age review in March 2017, John Cridland recommended that the SPA should raise to 68 over the period 2037-2039. He said he expected the Government to consult separately on the implications for public service scheme members:

During our consultation we heard from representatives of members of public sector pension schemes who were concerned about the impact of increases in State Pension age on occupational scheme entitlement. The majority of public sector pension schemes now have a Normal Pension Age which is linked to State Pension age, which means that changes to State Pension age will be reflected in those schemes.

The Review recognises the importance of this for those concerned. However, as with other occupational pensions, the impact on public sector pension schemes should not be a driving factor behind State Pension age recommendations.

HM Treasury announced during the passage of the Public Service Pensions Act 2013 that they will review the link between State Pension age and public sector pension schemes, after the Government has completed each State Pension Age Review. So we expect that if the Secretary of State decides a change in State Pension age, HM Treasury will consult on the impact on Normal Pension age for such schemes.⁶⁴

In its own review published in July 2017, the Government said it would legislate to increase the SPA from 67 to 68 over the period 2037-39. This review did not mention public service pensions. However, the Government did say it would conduct a further review before legislating, to “enable consideration of the latest life expectancy projections and to allow us to evaluate the effects of current rises in State Pension age.”⁶⁵

4.2 Impact on particular occupational groups

The link to the State Pension age was met with concern across public sector unions – with unions such as the PCS Unite, the NUT and the POA launching a “68-is-too-late” campaign.⁶⁶ Much of the debate focused on whether specific groups of workers – such as paramedics, prison officers and MoD police and firefighters - should be exempt from the SPA link.

When the legislation was before Parliament, Chris Leslie argued that, in addition to the police, firefighters and armed forces, there were other groups that should be exempt:

The Bill acknowledges that by fixing the normal pension age at 60 for firefighters, police officers and members of the armed forces. However,

⁶⁴ [Independent Review of the State Pension age – final report](#), March 2017, Para 5.7.2

⁶⁵ [State Pension age review](#), DWP,

⁶⁶ [68 is too late campaign website](#); [NUT-video-68-is-too-late](#); [POA 68 is too late](#)

those are not the only public sector workers who carry out physically demanding work. Other examples include mental health nurses, who have to restrain patients physically, paramedics, cleaners and care workers. There are others who are involved in very physically demanding forms of work. It is inconsistent to make exceptions for some categories of workers in physically demanding professions and, potentially, not for others.⁶⁷

He proposed an amendment to allow further categories of workers to be exempt from the State Pension age link if scheme-specific reviews found that they were physically unable to carry out their roles after the age of 65.⁶⁸

Mr Javid said the Government did not see the need to excluding further groups from the State Pension age link. They had the option to retire early on an actuarially reduced pension:

The independent commission was clear that the work of police, firefighters and the armed forces is unique and that that should be reflected in their normal pension ages. That is why the Bill would allow members of those work forces to retain the pension age of 60 that was implemented by the previous Administration's pension reforms.

However, the uniqueness of those work forces is not just about physical demands or their duties. Pension schemes provide other benefits for those who are physically unable to continue working, such as ill health provisions. Importantly, nobody is being forced to work for longer. Members can choose to retire before their new normal pension age, and they will receive an actuarially adjusted pension to reflect the fact that their retirement benefits will be paid for a longer period.

The Government commend the work and commitment of all of the diverse work forces that make up the public service, but it is important to aim for consistency and commonality, unless there is a compelling reason to the contrary. The Government are confident that the pension age provisions are correct and, therefore, do not see the need to exempt any further members from the state age link as a result of future undefined capability reviews. It is not clear from the amendment what the capability reviews are to involve, who will perform them or when they will take place. An unintended consequence of the amendment could be confusion and uncertainty about pension ages.⁶⁹

The issues in relation to specific categories are discussed below.

⁶⁷ [PBC Deb, 13 November 2012, c312](#)

⁶⁸ Ibid

⁶⁹ [PBC Deb, 13 November 2012, c327](#); See also, [HL Deb, 15 January 2013, c620](#) [Lord Newby]

Defence Fire and Rescue and MoD Police

Members of the Defence Fire and Rescue Service and MoD Police are members of the Civil Service Pension Scheme and therefore have a pension age linked to their State Pension age.⁷⁰

When the 2013 Act was in the House of Lords, Labour Peer, Lord Eatwell, proposed at Committee stage that the Defence Fire and Rescue Service and Ministry of Defence Police should be treated in the same way as other fire and rescue workers and members of police forces. This would mean they had a normal pension age of 60, rather than one linked to their State Pension age.⁷¹

At Report stage, Lord Hutton of Furness said his report had argued that the nature of the service provided by “the uniformed services in general” should be reflected in their pension arrangements. Had the unique circumstances of MoD firefighters been raised with him, he would have “urged the Government to show some flexibility, support and sympathy for the special role that they play within our Armed Forces.”⁷²

For the Government, Lord Newby responded that the terms and conditions for MoD police and firefighters were set by the Ministry of Defence and were materially different to those of Home Office police and local authority fire and rescue services:

As civil servants they benefit from provisions which are not available to their non-MoD counterparts, such as the Civil Service compensation scheme, injury benefit provisions, relocation and leave allowances. The amendments being suggested would fundamentally alter the status of these individuals and that should not be carried out lightly.⁷³

The Ministry of Defence had “pledged to look at appropriate ways in which the issue could be managed so that retirement at 65 could be maintained in the new pension schemes established by the Bill.”⁷⁴ Lord Eatwell responded that the Minister had “completely failed to address two fundamental points”: in what way the working conditions were different and the fundamental issue of fairness.⁷⁵ His amendment – which would have given the Defence Fire and Rescue Service and MoD police a pension age of 60 – was agreed to on division by 216 votes to 193.⁷⁶ In response, the Government amended the legislation to require a review of the effect of section 10 on this group, with particular regard to the impacts on the health and well-being.⁷⁷ The review was provided for in [section 36](#) of the 2013 Act.

⁷⁰ [Report on the likely effect of Section 10 of the Public Service Pensions Act 2013 on members of the Defence Fire and Rescue Service and the Ministry of Defence Police](#), MoD, December 2013

⁷¹ [HL Deb, 9 January 2013, c180](#)

⁷² [HL Deb, 12 February 2013, c568-70](#)

⁷³ [Ibid, c571](#)

⁷⁴ [Ibid, c571](#)

⁷⁵ [Ibid, c571](#)

⁷⁶ [Ibid, c572-5; Explanatory Notes to the Explanatory Notes on Lords Amendments – Bill 142-EN](#)

⁷⁷ [HL Deb, 23 April 2013, c1357](#)

The report of the review was published in December 2013. It said the MoD would keep the risks of the new pension age under review:

35. Whilst there are risks to DFRS associated with Section 10, in the absence of compelling medical evidence there is currently, no operational reason why the MOD would not continue with its introduction as planned in April 2015. However, the MOD will regularly review risks to both DFRS members and operational outputs of a higher NPA to confirm the effectiveness of mitigation actions, and risk assessments will continue to be informed by research and experience from the wider FRS environment and similar workforces.⁷⁸

On 30 March 2015, the Defence Police Federation said the MoD had announced that it was to change the retirement age of its police officers to 65.⁷⁹ However, an FOI response of 9 April 2015 said no final decision had been made or communicated.⁸⁰

A Parliamentary Written Answer on 8 November 2016, said the Treasury was undertaking a review of the “effective pension age” for MoD Police, which could influence discussions relating to Fire and Rescue personnel:

The Cabinet Office and Treasury are undertaking a review of the Effective Pension Age (EPA) for Ministry of Defence Police Officers. They are not conducting a review of the EPA specifically for Defence Fire and Rescue personnel but the outcome could influence discussions with the relevant Trades Unions. Discussions with the Trades Unions have been put on hold until the outcome is known. We are expecting a decision on the review for the Ministry of Defence Police Officers by the end of the year.⁸¹

In January 2018, the Government said it was consulting the relevant trade unions regarding a reduced effective pension age for Defence Fire and Rescue Service personnel:

As Civil Servants, Defence Fire and Rescue Service (DFRS) personnel are members of the Civil Service Pension Schemes. The Department has worked closely with Cabinet Office and HM Treasury to offer a reduced Effective Pension Age for DFRS personnel, recognising the physical demands placed upon them, and is currently in consultation with the relevant Trade Unions to finalise this offer.⁸²

On 23 October 2018, Defence Minister Stuart Andrew said it was looking at how to reduce the pension age for MoD Police to SPA minus three years:

⁷⁸ [Report on the likely effect of Section 10 of the Public Service Pensions Act 2013 on members of the Defence Fire and Rescue Service and the Ministry of Defence Police](#), MoD, December 2013

⁷⁹ [Ludicrous' change to MoD police pensions condemned by officers](#), Defence Police Federation, 30 March 2015

⁸⁰ [MDP_FOI2014-03637_9 April 2015](#)

⁸¹ [PQ 51728 9 November 2016](#)

⁸² [PQ122949 19 January 2018](#)

Treasury and Cabinet Office Ministers have given thorough consideration to the merits of introducing an enhanced effective pension age of 60 years for Ministry of Defence Police Officers, but have not been minded to make such a change on the grounds that this would conflict with a key principle of the Government pension reforms that increased longevity requires longer working lives. The Ministry of Defence is working with the Cabinet Office to reduce the Ministry of Defence Police Officers pension age to state pension age minus three years for alpha pension scheme members (with a minimum pensionable age of 65), to be funded by the Ministry of Defence. We are currently working with the Defence Police Federation on implementation.⁸³

However, in response to an FOI request in July 2020 the MoD Police said that “all Ministry of Defence Police officers are members of the Civil Service Pension Scheme and are subject to the associated rules on normal pension age.”⁸⁴

Prison officers

Prison officers are members of the civil service pension scheme.⁸⁵ This is because they are civil servants as they are employed by an executive agency of the Ministry of Justice, HM Prison and Probation Service.

As such, they have a normal pension age linked to their State Pension age. The Prison Officers’ Association (POA) argues that is unacceptable for its members.⁸⁶

In July 2011, the POA announced the results of a ballot of its members. It said that 96.7% of those voting had rejected the Government’s initial proposals reform proposals.⁸⁷ Announcing the details of the final agreement for the new civil service pension scheme, the Government said it would continue to discuss with the POA “mechanisms” for prison officers to retire earlier than the State Pension age.⁸⁸

In March 2017, the Government explained that it had made an offer to the POA which would “included a proposed reduction in the effective pension age, which would have allowed prison officers to retire at 65. Unfortunately POA members voted to reject this deal and therefore the pension age has remain unchanged.”⁸⁹

⁸³ [PQ 181298 23 October 2018](#)

⁸⁴ [FOI response, 1 July 2020, MoD Police](#)

⁸⁵ [PQ 150231, 12 June 2018](#)

⁸⁶ [POA press release, 10 February 2015](#)

⁸⁷ [press release, 21 July 2011](#)

⁸⁸ [HC Deb 20 December 2011 c151 WS](#)

⁸⁹ [PQ 68501 28 March 2017](#); See also BBC News, [Prison officers reject pay and pensions offer](#), 20 December 2016

In December 2017, Parliamentary Under Secretary of State and the Ministry of Justice, Sam Gyimah said that:

[...] to consider introducing a lower normal pension age for prison officers, would require a change to legislation and as the Civil Service Pension covers a number of government departments and agencies, any legislative change to the scheme would affect all members of the Civil Service Pension and not just prison officers.⁹⁰

Reports of the Prison Service Pay Review Body say continue to raise the pension age as a concern, arguing that 67/68 is “far too old to cope with the physical and mental demands of being an operational frontline Prison Officer.”⁹¹

In a Westminster Hall debate on 8 October 2019, Gordon Henderson called for a reduction to 60 in the pension age for prisoners, citing the physical demands of the job and an increasingly difficult working environment:

All in all, that does not make for a happy work environment, and the situation in prisons is getting worse, with ever increasing violence. On average, 30 members of prison staff are assaulted every day. Last year, 1,000 of those assaults were classified by the Government as serious.[...] it is wrong that they have been forced into a position where retirement is becoming ever more out of reach and, for some people, potentially unachievable.[...] as I said this morning, 68 is too late, which is why I also support the POA campaign for a lower pension age. I urge the Minister to listen to the concerns of our fantastic prison officers and let them retire at 60.⁹²

The then Shadow Justice Minister, Imran Hussain, referred to “years of declining morale, declining working conditions and declining numbers among our prison officer workforce”, which he said the increase in the pension age had contributed to. He said the next Labour Government would “work with the POA and prison officers to make sure that they are properly trained and rewarded, and that they are physically capable of doing their jobs.”⁹³

Responding for the Government, Wendy Morton said that the demands of the role had been considered, that government attempts in 2013 and 2017 had been rejected by POA members and that a lower pension age would entail other changes, such as a significant increase in member contribution rates:

Let me begin by providing a little of the history of prison officer pensions, for those who may not be aware of the retirement ages for prison officers and how they have changed since 2007. Pensions are, by their very nature, complex, but I will try to be brief. Prison officers are members of

⁹⁰ [PQ 117663, 11 Dec 2017](#); See also [PQ158254 6 July 2018](#); [PQ 158252 4 July 2018](#)

⁹¹ [Prison Service Pay Review Body](#), 18th report, July 2019, p24; See also [Prison Service Pay Review Body](#), v17th report, para 2.61

⁹² [HC Deb 8 October 2019 c529WH](#)

⁹³ [Ibid c536](#)

the civil service pension scheme, the policy and rules of which are owned by the Cabinet Office. Prior to 2007, the retirement age for those covered by that scheme was 60. Following an annual review by the Government Actuary's Department, a new career average pension was brought in, with a pension age of 65 for new entrants from July 2007.

The demands of the prison officer role were considered at that time, and it was decided that when compared with other civil servants in the scheme who had demanding roles, such as seamen on Royal Fleet Auxiliary ships, a special exception could not be made. The Prison Officers Association signed up to the 2007 scheme, which introduced a pension age of 65. In 2015, a new scheme was introduced that regularised the position for most staff and changed the pension age to 65, or to a staff member's state pension age, which for many is 68.

It is important to be clear that the Government are alive to the issue and the views of staff and trade unions on retirement age. Efforts have been made twice—in 2013 and again in 2017—to provide a route to lowering the retirement age. The 2013 package offered prison officers the ability to purchase a lower pension age of 65 through the payment of heavily subsidised additional contributions into the scheme, with the additional option to pay further contributions to purchase a pension age of 60. A similar offer was made to prison officers in 2017, but there was no cost to the individual member of staff to purchase a lower pension age of 65. Both offers were rejected by the POA membership.

A comparison has been made today with firefighter and police pensions. Staff in those schemes have a retirement age of 60. Although it is true that work in those roles has some similarities to the work of prison officers, as was raised by my hon. Friend the Member for Sittingbourne and Sheppey, because of the higher physical demands consistently placed on firefighters and the higher potential for serious injury and fatality in both roles, the Government felt that the role of a prison officer was not analogous to those in the emergency services.

Putting that assessment to one side, it is crucial to understand that that lower retirement age is supported by pension contributions by staff of up to 14%—almost 10% higher than the average 5.45% contribution rate in the civil service. It is not, therefore, a like-for-like comparison. Should a change in retirement age be contemplated again in the future, it would involve a significant increase to the staff contribution to the scheme.⁹⁴

An EDM in the name of Grahame Morris, tabled on 15 October 2019 and with 75 signatures called on the Government to align prison officers' pension age with other uniformed emergency services:

That this House recognises the dangerous working conditions in the Prison Service; expresses concern at the increasing number of violent

⁹⁴ [HC Deb, 8 October 2019, c537-9WH](#)

assaults on prison staff; believes that prison officers approaching the age of 70 should not be expected to deal with violent and dangerous criminals aged in their twenties, thirties and forties; considers the demands placed on prison officers, as uniformed emergency workers, to be similar to police officers and firefighters, who can retire at 60 in recognition of the unique nature of their roles; and calls on the Government to show its thanks and appreciation for our prison staff through practical action to improve prison safety, enhance terms and conditions and align prison officers' pension age with other uniformed emergency services.⁹⁵

The POA continues to lobby for change.⁹⁶ In its response to HM Treasury's consultation on the McCloud remedy, it said the pension age in the NHS and civil service schemes did not take proper account of the work which secure psychiatric nurses and prison officers are required to do:

It has always been our belief that it is not realistic to expect a prison officer to carry on performing front-line duties to the age of 65, 66, 67 or 68 (or more). Failing a fitness assessment has drastic consequences for an officer. He or she is likely to lose his or her job altogether. The financial consequences for drawing pension benefits below State pension age in the reformed civil service scheme are penal. The combined effect of an unrealistic normal pension age and an unjustified fitness standard therefore discriminates against women on the grounds of their sex, and older members on the grounds of their age.⁹⁷

Civil Nuclear Police

Apart from the main public service schemes, there are a number of schemes run for the staff and office holders of non-departmental public bodies, arms-length bodies and similar bodies and officers ('public bodies'). The Coalition Government anticipated that most such schemes would be reformed by moving the staff and office holders into one of the main schemes, such as the civil service pension scheme. Where this was not possible, public bodies might be allowed to reform their schemes, or to set up new bespoke pension schemes along reformed lines.⁹⁸

The [Public Service Pensions Act 2013](#) (s31, Sch 10) required the authorities responsible for certain schemes – including the Civil Nuclear Police Authority – to close those schemes to future accrual.

The Civil Nuclear Police Federation launched a legal challenge against plans to link the pension age for Civil Nuclear Constabulary (CNC) officers to the State Pension age. It argued that they should be treated like police officers – who have a pension age of 60. However, this was rejected by the High Court. Mrs Justice Nicola Davies ruled that although the CNC was a police force in the

⁹⁵ [EDM#15 2019](#). Other examples include: [EDM 402 Prison officer retirement age](#)

⁹⁶ <https://www.poauk.org.uk/support/68-is-too-late/>

⁹⁷ [CIRC 146: HM TREASURY CONSULTATION PUBLIC SERVICE PENSION SCHEMES CONSULTATION: CHANGES TO THE TRANSITIONAL ARRANGEMENTS TO THE 2015 SCHEMES, POA, October 2020](#)

⁹⁸ [Public Service Pensions Act 2013, Explanatory Notes – para 182-4](#)

"wider and colloquial" sense, there were "distinct and distinguishing differences" compared to forces governed by the Home Office. Although both the CNPA and the CNPF were of the view that 60 would be a better retirement age, the issue before the court was whether the CNC should be a police force and the 2013 Act.⁹⁹

In June 2018 the Government said it planned to move the civil nuclear constabulary into the [alpha](#) section of the Civil Service Pension Scheme.¹⁰⁰

Concerns about the pension age were raised by Patricia Gibson in a Westminster Hall debate in March 2019:

The prospect of a retirement age of 67, rising to 68, is causing real concern to CNC officers. The chief constable of the CNC has warned that the change to the retirement age would render the service "unsustainable" and is undoubtedly creating "insurmountable" difficulties for CNC officers and the mission they seek to fulfil.¹⁰¹

The then BEIS Minister Richard Harrington said that the High Court had confirmed that CNC officers did not count as police officers as defined in the 2013 Act. Reforms to public service pensions had been needed to ensure the cost over the long term remained sustainable. However, the Equality Analysis had accepted it was harder for older female officers to attain the mandatory fitness standards and there were fewer back-office jobs than in some other professions (such as for prison officers). He was pressing the Treasury and Cabinet Office to find a resolution to the problem.¹⁰²

In response to consultation in October 2020, the Civil Nuclear Police Federation called for the Government to "address the unsustainable pensions age of 67/68" by amending section 10 of the 2013 Act and related definitions to make clear that 'members of a police force' includes CNC officers.¹⁰³

NHS pension scheme members

Members of the new scheme introduced in 2015 have a normal pension age linked to their State Pension age. Members of the pre-existing schemes have a pension age of 60 (1995 scheme) or 65 (2008 scheme).

In England, in response to concerns about the impact of having to work longer for groups such as paramedics, the Department of Health agreed to set up a [Working Longer Group \(WLG\)](#).¹⁰⁴ In a report of [Preliminary findings and recommendations](#) in October 2014, the WLG noted that the impact on "NHS staff having to work longer is currently unknown" and that this deficit in

⁹⁹ BBC news, [Civil nuclear police lose pension battle](#), 31 August 2016; [2016] EWHC 2186

¹⁰⁰ [PQ 155365 28 June 2018](#)

¹⁰¹ [HC Deb 6 March 2019 c405WH](#)

¹⁰² Ibid, c410WH

¹⁰³ [Civil Nuclear Police Federation response to HM Treasury Consultation, Public Service Pensions: change to the transitional arrangements to the 2015 schemes](#), October 2020

¹⁰⁴ DoH, [Proposed Final Agreement, March 2012, Annex C](#)

knowledge would need to be addressed if the service was to “meaningfully monitor any accumulated impact of an ageing workforce”. This group was disbanded at the end of March 2017. The outcomes – explained [here](#) – included bringing together information to help employers and employees to understand the implications of working to a raised retirement age.

The trade union UNISON has continued to express concern. In December 2018, it presented a petition to Parliament calling for the pension age for ambulance staff to be reduced to 60.¹⁰⁵

In its response to the consultation on the McCloud remedy, it called for a review of the pension age for certain occupational groups, in particular ambulance staff:

There are many demanding NHS roles, which only offer a limited possibility of redeployment, that warrant a break from the State Pension Age link. This is a particularly acute issue for UNISON members working in the ambulance services. For the purposes of pension age ambulance staff have been omitted from the definition of “uniformed services” – the armed forces, police and fire fighters, that the Hutton report into public sector pension provision identified as requiring a lower pension age.

Although undertaking similarly unique work, often working side- by-side, to those in the “uniformed services” a paramedic who is a member of the NHS 2015 Pension Scheme has a Normal Pension Age linked to their State Pension Age whereas the armed forces, police and fire fighters have a Normal Pension Age of 60 in their reformed schemes. UNISON asks that as part of the transition to the reformed schemes from 1 April 2022 that pension age provisions for ambulance staff be reviewed and brought into line with those in the “uniformed services.”¹⁰⁶

¹⁰⁵ [The government should lower retirement age for ambulance staff, says UNISON, December 2018](#)

¹⁰⁶ [UNISON Response to HM Treasury Consultation – Public service pension schemes: changes to the transitional arrangements to the 2015 Scheme, October 2020](#)

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