



Background to Transitional Protection

In June 2019 the Supreme Court refused the Government permission to reverse the Court of Appeal's December 2018 judgment in the McCloud and Sargeant cases.

The judgement found both the judges' and firefighters' pension schemes became unfavourable to some of their members when career average was introduced in 2015.

The courts deemed younger members of the judicial and firefighters' pension schemes had been discriminated against because the Transitional Protection applied only to older scheme members.

These regulation changes are being rectified on the grounds of age discrimination and apply to all main public service pension schemes, including the Teachers' Pension Scheme.

The changes only affect those who had pensionable service on 31 March 2012, have service in the remedy period (1 April 2015 - 31 March 2022), and don't have a disqualifying break.

View our Transitional Protection webpages, which detail the changes that have been made and how members may be affected by them.

[View webpages](#)



Changes to a member's Benefit Statement

All non-retired members who were affected by Transitional Protection, had their career average service rolled back to the final salary scheme on 1 October 2023.

Although their current Benefit Statement now only shows the final salary option for the remedy period (1 April 2015 - 31 March 2022), they'll be given both options when they make their retirement application.

We're working hard to show both options and will keep you and our members updated on when this has changed.

View our factsheet for active or deferred members, explaining in further detail.

[View factsheet](#)



Transitional Protection from 1 October 2023

From 1 October 2023, active members who are affected by the Transitional Protection changes will be asked to choose between final salary and career average pension scheme benefits for service between 1 April 2015 and 31 March 2022 (the remedy period).

They can make their choice at the time they take their pension benefits - this is referred to as the Deferred Choice Underpin (DCU).

Initially, those members who were moved to the career average scheme in 2015 (or later if they had tapered protection), have been moved back into the final salary scheme for the remedy period.

However, when they take their pension benefits, they'll get to make the choice which is best suited to them.



Members planning retirement

We'd like to remind you, if there are members in your establishment who are affected by the Transitional Protection changes and are looking to retire soon, they should plan their retirement six months in advance.

We advise members to complete their retirement applications through My Pension Online as normal, for some circumstances they'll need to apply by post, using the appropriate retirement form.

Affected members will be provided with their Remediable Service Statement (RSS) which is an extra step in their application, hence the increased timescale needed for us to process. The RSS allows them to make their choice between final salary and career average for the period of service affected.

You can find out more about member retirement and those affected by Transitional Protection on our [dedicated webpages](#).

We've also published a [video explaining retirement and Transitional Protection](#), please direct members to the [planning retirement page](#).



Excess service

We've directly contacted those of you who've employees affected by the [Transitional Protection changes](#) concerning excess service. This can't be rolled back into the final salary scheme as it's not pensionable and could be eligible for LGPS linked service.

To help you understand excess service and the process for delivering the changes, we've a [dedicated section on our website](#), along with [FAQs](#). We've also an [online webinar](#) to watch in your own time.

If you're getting any queries from your employees, [we've also a section bespoke for members](#).



Previous Pensionable Public Service Questionnaire form

We advise you to encourage members who have previous pensionable public service in another scheme to complete our form which can be found on our website.

[View the form](#)



New personalised calculators

We've updated our calculators to reflect the Transitional Protection changes. Our quick pension estimate will help members understand more about when they could retire or the lump sum they may receive upon retirement. We've also introduced our family benefits calculator.

Based on the figures members provide, the calculators will tell them:

- If they're likely to be affected by Transitional Protection
- Estimates of their final pension for the remedy period service (final salary and career average scheme) if they're likely to be affected
- Service to today and projections of service up to Normal Pension Age (NPA) or a member-selected retirement age
- The maximum tax-free lump sum possible
- The maximum pension members have to give up to receive the maximum lump sum
- Their normal retirement age
- If they select retirement age before NPA, reduced final pension as the benefits are adjusted due to being paid longer
- Their estimate of benefits based on full-time employment or fixed part-time employment.

We advise you to encourage members to [log into MPO](#) to use our new personalised calculators.

There are limitations to what the calculator can provide so please make sure members are aware of this when looking at results.



Resources	Description
Transitional Protection webinar	A great way for members to learn and understand more about Transitional Protection changes
Email template	Download our email template to circulate to staff
Myth buster factsheet	Read our factsheet to help understand Transitional Protection changes
Rollback - October 2023	Webpages dedicated to rollback changes
Key Changes	Webpages dedicated to key changes
What do I need to do as an employer?	Learn about what you can do as an employer, to support members
Member webpages	Share our webpages on Transitional Protection with members
Video playlist	View our YouTube playlist made up of three informative videos
Decision tree	Signpost employees to the decision tree
Understanding Transitional Protection factsheet	View our factsheet to help you and our members understand the changes

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