



Cleveland Police Federation

JOINT BRANCH BOARD

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NUMBER 2 REGION PFEW ADVICE FOR MEMBERS:

DAMAGED BASED AGREEMENTS IN RELATION TO POLICE PENSION LEGAL CHALLENGES

Please find below a series of questions which it is recommended you ask prior to entering into any agreement with regard to a potential legal challenge to the reform of Police Pensions:-

- a) If the claims are successful is the only remedy that may be awarded damages?
- b) If not, what are the other possible outcomes and what will my liability for fees be in the event that damages are not the remedy that is awarded?
- c) If the claims are successful, will this lead to a:
 - i) A change in the decision to move to the PPS 2015?
 - ii) A change in the transitional arrangements?
 - iii) If the latter is possible, is any such change likely to make those transitional arrangements more or less favourable?
- d) If neither of the preceding remedies arise how, if at all, might a successful claim impact on the pension changes implemented in April 2015?
- e) If I do not sign up and the claimants who have registered with you receive compensation from the Government, is it not likely that that the Government will apply such compensation to all affected officers as it has done so in previous disputes?

- f) Equally, if a claim is successful, will not any changes it causes apply to all officers and not only those who have signed up?
- g) If the preceding two points are true, then am I not at a disadvantage in agreeing to pay you a percentage of any compensation I receive, whereas officers who did not sign up to the class action will actually receive more than me, because they will not be subject to the terms of the DBA?
- h) I understand that, as a bare minimum, you would like to have 5,000 officers each liable to pay £1,500 of costs to pursue the claims. That amounts to £7.5 million.
- i) How much of this £7.5 million will actually be used in pursuing the claims and what is your estimate of costs for the whole class action?
 - i) Are any separate fees or costs payable in addition to the fees you will recover under a DBA?
 - ii) You have estimated that each claimant should receive a substantial compensation payment. Who has calculated this, what is the quantum and on what basis has this quantum been assessed?
- j) What if I am not satisfied with the ultimate level of compensation you negotiate for me? Am I forced to accept this?
- k) Who in Government has agreed to have without prejudice meetings with you?
- l) What about the other legal views which have concluded that any claim would be entirely speculative? Have you been able to counter these?
- m) Am I able to instruct a different law firm in respect of the claims?
- n) Will I receive part or all of my registration fee back if the action by you is ultimately unsuccessful?