

## Q and A for post-29 February 2008 queries

**As a retired Gurkha, if I decided to transfer to one of the Armed Forces Pension Schemes (AFPS) and I do not qualify for an Immediate Pension (IP) or Early Departure Payments (EDPs), will my Gurkha Pension Scheme (GPS) benefits stop until I reach my preserved pension age of 60 or 65?**

No. You will continue to receive your GPS pension until age 60 (or 65 for those who chose AFPS 05) on the same basis as now, because you will not transfer schemes until that time. You will then start to receive the appropriate benefits from the AFPS of your choice, and your GPS pension will stop.

**What information do I need to provide to ensure my payment is made in December?** [new question and answer added on 23<sup>rd</sup> October 2008]

All those entitled to payments of immediate benefits from AFPS 75 or AFPS 05 should have received a letter recently from the Service Personnel and Veterans Agency (SPVA). It was sent to the last known contact address held for you. **It is important that you reply to this letter by the end of October or very soon after that.** SPVA needs you to confirm your current contact address and details of the bank account into which you want your AFPS pension to be paid. It also needs you to complete the LTA declaration form sent with the letter about any other pension benefits you may have. This is required by the UK tax authorities; **without it, SPVA is unable to pay your AFPS pension.** If SPVA does not hold either your current contact address or bank details, this may further delay payment of your AFPS pension. If you have any questions about this, you should talk to Major Phil Ashman, SPVA, on 02392 702498. You can email him on [DCHChangeMgtProjMan2@spva.mod.uk](mailto:DCHChangeMgtProjMan2@spva.mod.uk).

**If I transferred to an AFPS with preserved pension benefits, what happens if I die before I reach age 60 or 65 and get my AFPS pension?**

If you transferred to an AFPS in these circumstances, you would not become a member of that AFPS until you reached age 60 (65 if you decided to transfer to AFPS 05). Your widow would therefore get benefits from GPS, as you would be a member of this scheme at the time of your death.

**As a retired Gurkha, if I decided to transfer to one of the AFPSs, and I qualify for benefits paid immediately, when will my AFPS payments start?**  
[New answer added on 23<sup>rd</sup> October 2008]

If you have sufficient service to qualify for an IP in AFPS 75 (22 years' service from age 18 for soldiers and 16 years' service from age 21 for officers) or EDPs in AFPS 05 (18 years service and left at or after age 40 for all ranks) or you are getting a GPS disability pension, you will transfer schemes immediately, and your GPS benefits will

be replaced by AFPS benefits, backdated to your last day of service. You will continue to receive your GPS pension until we are able to make the required changes to MOD's computer systems to allow payments from AFPS 75 or AFPS 05.

We expect any back payments of pension from AFPS to be paid as a lump sum in December 2008 at the same time as your first AFPS payment.

### **I haven't made my pension scheme election – am I too late?**

Yes. We have made clear throughout the Gurkha Offer to Transfer (GOTT) process that those who failed to make a positive pension scheme election by 29 February 2008 would remain on the GPS. As with any policy change, there has to be a cut-off point. If your form was not therefore received by the GOTT Service Centre by the end of Friday 29 February, it will not be accepted. Note that this does not apply to a very small number of individuals who were granted an extension to the deadline by the GOTT Service Centre.

### **If my personal circumstances change after 29 February 2008, can I change my pension scheme choice?**

No. The GOTT process closed for eligible retired Gurkhas on 29 February 2008. The offer to transfer was a one-off opportunity to transfer out of the GPS to one of the AFPSs, with the cut-off date made absolutely clear. We recognised that there would inevitably be an element of crystal ball gazing involved, but we could not allow individuals to make their choice only after all the uncertainties in their lives had been resolved. That would have been extremely expensive in pension terms and could have meant, in some cases, individuals taking years to make their decision.

### **I am still not sure about aspects of AFPS 75 or 05. Where can I get more information?**

Now that the GOTT process has ended and the Service Centre has closed, you should contact the Joint Personnel Administration Centre at the Service Personnel and Veterans Agency, NOT THE GOTT SC. The JPAC's address is:

SPVA (Glasgow) Mail Point 480 Kentigern House 65 Brown Street Glasgow G2 8EX  
United Kingdom E-mail: JPAC@afpaa.mod.uk or JPAC@spva.mod.uk Tel: 0800 085 3600 (within UK) Tel: +44 141 224 3600

Option 1 not Option 5 should be selected

Or you can look at the MOD internet site for more information, including Frequently Asked Questions, and scheme booklets: <http://www.armedforcespensions.mod.uk>

**I did not agree with the terms of the GOTT and amended my election form. Will the JPAC still transfer me to the AFPS I selected?**

No. Some retired Gurkhas sent back their decision on a form which had been amended to say that they wanted to transfer their pension benefits, but were prepared to do so only if they were given different terms for their pre-1 July 1997 service. This was not an acceptable election form and was rejected. Those who did not send back their election on an unamended, official form will therefore remain on the GPS.

**I have received my confirmation letter and I am on the wrong scheme. What should I do?**

You should write to the JPAC to explain why you believe that this is the case. If there has been an administrative failure and you have not been put onto the scheme you chose, this will be checked and put right.

**May I use the Service Redress of Complaint Procedures if I am unhappy with the terms of the GOTT?**

No. You cannot make (what is now known as) a service complaint under Section 334 of the Armed Forces Act 2006. As you have ceased to be subject to Service law you can only complain about a matter which occurred while you were in service, whereas the GOTT was made some time after you left service.

**Can I use the Internal Disputes Resolution Procedure (IDRP)?**

Yes. This procedure is the Ministry of Defence's formal pension complaints procedure required by law.

The IDRP process consists of two stages. Under the first stage individuals have the right to complain to the scheme administrators. Under the second stage there is a right of appeal to a higher level against the decision made on the first stage complaint. While complaints under the IDRP process are normally made where there is actual or perceived maladministration of a pension, you are entitled to challenge the terms of the GOTT under this process.

A link to the online IDRP booklet available elsewhere on this website is below.

<http://www.mod.uk/DefenceInternet/AboutDefence/CorporatePublications/PersonnelPublications/Pensions/TriSchemeBooklets/InternalDisputeResolutionProcedure.htm>