



Ministry of Defence

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Our Reference: FOI2015/10065

[REDACTED]

[REDACTED]

11 December 2015

Dear [REDACTED],

Thank you for your letter to the Ministry of Defence (MOD) dated 9 November in which you requested the following information:

Thank you for your letter FOI2015/06388 dated 13 August 2015 and your FOI2015/07193 FOI2015/07348 dated 14 September 2015 in response to my questions under the FOIA 2000 in relation to extant legal documents for the transfer of Gurkha pensions under GOTT.

I now understand that this document, which was enacted in Parliament on 27 February 2008, was the legal authority governing the offer to transfer for retired members with GPS pensions. As it contained the detailed rules for the transfer, how was the information promulgated to those members of GPS who had to decide whether or not to transfer their pensions by 29 February 2008? Were the Gurkhas who had already made their decisions given the opportunity to reconsider in the light of this essential information that was not available to them when they submitted their return? Were they given the option and more time to reconsider?

How was it circulated to the agencies that were responsible for the implementation of the GOTT such as the SPVA, the GOTT Service Centre, the GAD and numerous branches within the MOD?

Were any amendments made to the Pension Policy Instruction and the MOD GOTT Handbook? I realise, Sir, that all of this happened long before you assumed your current appointment.

A search for the information has now been completed within the MOD, and I can confirm that the MOD does hold information within the scope of your request.

Under Section 21 of the FOI Act the MOD is not obliged to supply information that is reasonably accessible to the applicant, by other means.

With regard to your first, second and third questions, the Gurkha Offer to Transfer (GOTT) booklet for retired members is the means by which information was promulgated; this booklet is already available online:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/470115/GOTT_Booklet_Retired_Gurkhas.pdf

Your attention is directed to page 2 – paragraph ‘Aim’, page 4 – paragraph ‘Conclusion’ and page 5 – ‘What do you need to do now?’ as the pertinent passages related to the information you have requested.

With regard to your fourth question “How was it circulated to the agencies that were responsible for the implementation of the GOTT such as the SPVA, the GOTT Service Centre, the GAD and numerous branches within the MOD?” Information regarding pension legislation was previously provided in response to FOI request 2015/08636 dated 25 September 2015 and responded to on 28 October by the MOD. The Department believes you have reasonable access to this FOI response, therefore under Section 21 of the FOI Act the MOD is not obliged to supply this information again. The FOI has been published here:

<https://www.gov.uk/government/publications/foi-responses-published-by-mod-week-commencing-26-october-2015>

Your fifth question asked “Were any amendments made to the Pension Policy Instruction and the MOD GOTT Handbook?”

Version 9 of the Pension Policy Instruction was issued as the final version in July 2009. There have been no subsequent amendments. Only one version of the GOTT booklet was published (a link to the booklet was provided above).

The Pension Policy Instruction has previously been made available to the ‘Gurkha Inquiry’ and a copy can be viewed here:

<https://gurkhainquiry.files.wordpress.com/2014/03/14-pensions-policy-instruction.pdf>

I hope that this response will be helpful to you.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1st Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely,

[Redacted Signature]

Defence People Secretariat