

RECORD OF DECISION

TITLE: Police Officer Pension Forfeiture Policy Review

Ref: PCC/D/2021/20

EXECUTIVE SUMMARY

In February 2021, the Home Office published new Police Pension Forfeiture Guidance. Following publication of the new Home Office guidance, the Police Officer Pension Forfeiture Policy has been reviewed and amended to ensure it remains compliant with the latest national guidance.

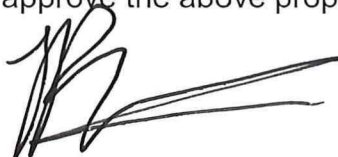
PROPOSAL

That the Police and Crime Commissioner and Chief Constable approve the revisions to the Police Officer Pension Forfeiture Policy and that the policy is implemented and published on the PCC's website.

**APPROVAL OF
West Mercia Police and Crime Commissioner**

I hereby approve the above proposal.

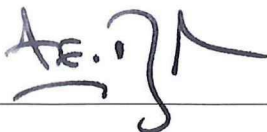
Signed



West Mercia Chief Constable

I hereby approve the above proposal.

Signed



PART 1 – NON-CONFIDENTIAL/EXEMPT FACTS AND FIGURES

SUPPORTING REPORT

The Police Officer Pension Forfeiture Policy was originally developed, agreed and published in December 2018. The policy was based on guidance set out within the Home Office Circular 018/2009 Forfeiture of Police Pensions.

On 11/02/2021, the Home Office published new Police Pension Forfeiture Guidance and two process maps (one for officers, and one for police staff), which replaced the previous Home Office Circular 018/2009. Following publication of the new Home Office guidance, the policy has been reviewed to ensure it remains compliant with the latest national guidance.

Although there are no substantive changes to the procedures set out by the Home Office, the new guidance provides further clarity on process, particularly in relation to submitting an application to the Home Secretary, and the right of appeal.

Key changes are summarised below:

- The new Home Office guidance focuses primarily on the application to the Secretary of State and the decision making process at that stage. There is no guidance on the Chief Constable's provision of information to the PCC to enable such an application, or the PCC's decision making process in respect of forfeiture. As such, these sections (Section 4, 7 & 8) remain relatively unchanged, and are based on a national PCC template.
- However, a number of additional paragraphs have been included in Sections 4, 5 & 6 to ensure the PCC and Home Secretary are provided with all relevant information on which to make reasonable and rational decisions, and to enhance transparency of the process for all parties.
- More comprehensive information provided in respect of the appeals process as set out at Section 10.

The final draft policy can be found as an appendix to this decision notice. The policy has been reviewed by the PCC's Chief Executive, the Deputy Chief Constable, the Head of Commercial Services, the Head of the Professional Standards Department and Legal Services.

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FINANCIAL COMMENTS

There are no immediate financial considerations. However, should the policy be invoked, West Mercia Police's pay and pension administrators must be notified of the potential forfeiture.

LEGAL CONSIDERATIONS

By virtue of schedule 11, paragraph 14 of the Police Reform and Social Responsibility Act 2011 the Police and Crime Commissioner may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of commissioner. That includes: entering into contracts and other agreements (whether legally binding or not) and acquiring and disposing of property (including land)

PCCs have responsibilities for dealing with Police Pension forfeiture as set out in Police Regulations and the HO Guidance

PUBLIC ACCESS TO INFORMATION

Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Part 1 of this form will be made available on the West Mercia Police and Crime Commissioner's website. Any facts and advice that should not be made automatically available on request are not included in Part 1 but instead in a separate Part 2 report. There is no Part 2 report.

OFFICER APPROVAL

Chief Executive Officer

Signature

Andy Chawepress

Date 4th May 2021