

POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE

ETHICS AND TRANSPARENCY PANEL

PAPER MARKED

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Report of	OFFICE OF THE POLICE AND CRIME COMMISSIONER
Subject	PENSION FORFEITURE
Date	8 th APRIL 2025
Author	NUPUR CHAMUND, REVIEWS AND COMPLAINTS OFFICER LIZZIE STARR, DIRECTOR OF GOVERNANCE AND PERFORMANCE

Purpose of Report

1. The purpose of this report is to outline to the Ethics and Transparency Panel, the process of how the Office of the Police and Crime Commissioner (OPCC) and the Force will work together to implement pension forfeiture process in order to build public trust and confidence in policing.

Recommendations

2. The OPCC is keen to understand the panels requirements for reporting back on this topic and any wider feedback or comments on the process developed.

Background

3. In January 2024, the Minister for State for Crime, Policing and Fire wrote to all Chief Constable and Police and Crime Commissioners (PCC) to emphasis the government's intention to improve standards in Policing.
4. As part of this drive to improve public confidence the government introduced a series of reforms to the police disciplinary system to remove officer who were unfit to serve.
5. Where those officers and staff were convicted of a serious criminal offence committed in connection with their service, it was deemed damaging to public confidence that they still retained their full public pension.
6. The Home Office identified that the number of applications for pension forfeiture did not reflect the number of police personnel who had been convicted with a criminal offence linked to their service.
7. As such the government took steps to raise awareness of the pension forfeiture process with a call to both the PCC and the Chief Constables to increase the number of applications submitted to the Home Office.

Legislative basis for Pension Forfeiture

8. The legislative basis for police pension forfeiture is found in regulation K5 of the 1987 Regulations, regulation 55 of the 2006 Regulations and Chapter 5 of Part 13 to the 2015 Regulations.
9. Each of these regulations contain provisions which allow a pension forfeiture in cases where either.
 - a pension scheme member has been convicted of treason or of offences under the Official Secrets Acts 1911 and 1939 and has been sentenced to a term (or terms) of imprisonment of at least ten years. or.
 - where a pension scheme member has been convicted of an offence committed in connection with his or her service as a member of a police force, which is certified by the Home Secretary either to have been gravely injurious to the interests of the State, or to be liable to lead to a serious loss of confidence in the public service
10. Regulation K5(4) of the 1987 Regulations and regulation 55(2) and (4) of the 2006 Regulations allow a Pension Supervising Authority (PSA) to determine the extent to which the pension should be forfeited when an offence is committed in connection with a pension scheme member's service as a member of a police force. This may be permanent or temporary and may affect the whole or part of the pension. The 2015 Regulations have a similar provision at regulation 211(1).
11. The Police Pension Regulations 2015, at regulation 212, allow for the forfeiture of a survivor's pension where the survivor has been convicted of a crime leading to the pension scheme member's death. This provision is not present in the 2006 or 1987 Regulations.
12. Each of the Police Pensions Schemes contain provisions which allow for appeals against pension forfeiture. These are in regulations H5 and H6 in the 1987 Regulations, regulation 66 and 67 of the 2006 Regulations and regulations 216 and 217 of the 2015 Regulations.
13. PSA can apply for pension forfeiture in respect of a police staff member, under the Local Government Pension Scheme Regulations 2013. Police staff members participate in the separate Local Government Pension Scheme and the relevant Secretary of State is the Secretary of State for Housing, Communities and Local Government.

Pension Forfeiture Process

14. The process itself requires a close working relationship between the OPCC and Professional Standards Department (PSD) in order to identify potential cases which maybe subject to pension forfeiture and to collate the information needed to progress an application for this.
15. To facilitate this working relationship, there should be regular meetings between the OPCC and PSD to identify cases where there is a criminal element and monitor their progress. PSD should look to provide the

information about the criminal investigations and the OPCC should look to review any possible links to service.

16. It is important that PSD inform the OPCC once there has been a successful conviction of a pension scheme member as soon as possible. The OPCC should also take steps to monitor other sources of information such as the local and national media to identify any possible criminal convictions which may have occurred after the pension scheme member retired and/or lived in another part of the country.
17. Where a case is identified, PSD should look to complete the template pro-forma (appendix 1) which should be provided to the OPCC. The pro-forma should contain as much detail as possible including.
 - Details and background of the offence(s) and any sentence imposed including details of the plea, sentencing and conviction.
 - Details of any related misconduct proceedings.
 - The Judge's sentencing remarks (if any).

In addition, the OPCC/PSD should look to determine who the pension provider is, the amount of pension and the pension scheme.

Stage 1- Decision Making

18. At this stage the PCC should only satisfy themselves that there is a link between the offending which has led to the criminal conviction and the pension scheme members' service and that as a result there has been a loss of public confidence.
19. The PCC should **NOT** at this time state if they would look to forfeit as this can leave them open to legal challenge.
20. The PCC should consider whether the offence which have been committed have led to a loss in public confidence and not just the most serious offences such as GBH and sexual offences. The PCC should also not be dissuaded from perusing a forfeiture on the basis that the offence is not serious enough. It is for the PCC and the Home Secretary to decide what is serious to allow the forfeiture to take place.
21. The PCC should be supported by the Monitoring Officer/CEO in their decision making and may wish to include an Independent Panel Member (IPM) who can assist with the PCC with their decision making. The PCC may also wish to seek legal advice however this may not always be necessary.
22. It is best practice that as soon as it has been determined that the pension scheme member may be subject to pension forfeiture that they are advised of this. This may be through their legal representative or Police Federation representative. Where necessary the OPCC should look to relay this information to the pension scheme member via the Prison Service and make them aware of this, so that they can provide the relevant support.
23. Once the PCC has satisfied themselves that the criteria to apply for pension forfeiture has been met, they should look to complete an application to the Home Office (appendix 2).

Stage 2- Decision Making

24. Once the Home Secretary has provided a certificate, the PCC will now need to determine if they will look for forfeit, the amount and the duration.
25. At this stage the PCC should look to consider mitigation from the pension scheme member and invite them for a meeting so that they may present this to those involved in the decision-making process (Monitoring Officer/CEO/IPM).
26. The PCC should document if they have decided to forfeit; by how much; and whether permanent or temporary. In terms of the amount, the Home Office Guidance lists a number of considerations that could influence the decision, as set out in 3.4 and 3.15.

These are:

- a) the seriousness with which the Court viewed the offence(s) (as demonstrated by the punishment imposed and the sentencing remarks).
- b) the circumstances surrounding the offence and investigation.
- c) the seniority of the officer (pension scheme member) or former officer (the more senior, the greater the loss of credibility and confidence).
- d) the extent of publicity and media coverage; and
- e) whether the offence involved:
 - i. an organised conspiracy amongst a number of officers,
 - ii. active support for criminals,
 - iii. the perversion of the course of public justice,
 - iv. the betrayal of an important position of trust for personal gain, and/or
 - v. the corruption or attempted corruption of junior officers.
- f) mitigating circumstances.
- g) disability in the family.
- h) illness at the time of the offence.
- i) assistance or information given to the police during the investigation or following conviction

Any mitigating factors will need to be considered in full and will be unique to each case.

27. To assist PCCs with the determining the percentage of the forfeiture, information has been collated from across all OPCC's to provide a guide based on the type of crime.

Offence	Forfeiture Amount
Common assault	10-20%
Theft	25-35%

Rape/sex offences (adult)	50-65%
Child Sex Offences (not IIOC)	60-65%
Misconduct in public office*	20-65%
Corruption	55%
Computer misuse	20%
Perverting the course of justice/attempting to*	20-65%
ABH	25%

*Both offences of Misconduct in Public Office, and Perverting the Course of Justice, can cover an extremely broad set of circumstances, from computer misuse, to abuse of position for sexual purpose and so on. Therefore, the amounts forfeited will vary significantly. It is suggested that in these cases, the actual detail of the case be considered, as opposed to the criminal conviction.

Final Stage

28. Once a decision has been made to forfeit the PCC needs to inform the pension scheme member, Chief Constable, Home Office and the pension scheme provider.
29. The pension scheme member should be informed of their right to appeal this decision making and therefore it is advised that robust records are kept should this arise.
30. The PCC and Chief Constable may want to promote the forfeiture internally as a way to demonstrate the consequence of criminal wrongdoing for officers and staff. The PCC may look to promote this externally to demonstrate their commitment to improve trust and confidence in policing and also may wish to inform the Police and Crime Panel.
31. The process flow is outlined in the diagram below.



Corporate Governance Board Update

32. The process and workstream update was provided to the Corporate Governance Board in November 2024 seeking agreement from both the PCC and CC to endorse the process.
33. It was agreed within the board meeting that for the purpose of the decision-making process, an Independent Panel Member (IPM) would be included as part of the panel as this would add an extra level of scrutiny.
34. Since the meeting the IPMs have been engaged and a briefing held, they are all signed up to the process and welcome the inclusion. The OPCC will ensure the cases are allocated in a fair manner and that any IPM on the pension forfeiture panel has not been previously involved in any of the misconduct processes.
35. The PCC stressed to the board that he was keen to ensure that officers and staff are aware that should they be subject to criminal wrongdoing linked to their service then pension forfeiture will be considered as an option. It was therefore agreed in the board meeting that joint internal comms would be developed to promote the process, through both the Police Federation and Unions and the internal intranet.
36. Work has begun on developing a communications strategy around the consequences of misconduct in office and a series of internal bitesize articles are planned for the intranet, including the use of pension forfeitures.
37. This is also to be included in the induction process for new recruits to ensure they are also aware of the processes.

Implications

Financial: IPM costs, cost of collating information from external parties.

Legal: Potentially open to legal challenge from the pension scheme member.

Equality Impact Assessment: Not required

Risks and Impact: This process should act as a warning to officers/staff that where there has been criminal wrongdoing linked to service then pension forfeiture will be considered.

Link to Police and Crime Plan: Trust and Confidence in Policing.

Communications: internal and external facilitated through OPCC and PSD/Force.

List of Appendices

Appendix A – Pro forma for PSD

Appendix B – Home Office application form

Person to Contact

Lizzie Starr

Email - Elizabeth.Starr@leics.police.uk