MOPAC | MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

DMPC Decision – PCD 1778

Title: **Pension Forfeiture: Stage 1**

Executive Summary:

This decision is to determine whether an application should be submitted to the Home Secretary for certificates of forfeiture in respect of the former officer's pension. At this first stage of the process a decision must be made whether the offence(s) committed by the former officer was or were committed in connection with his or her service as a member of the Metropolitan Police Service (MPS).

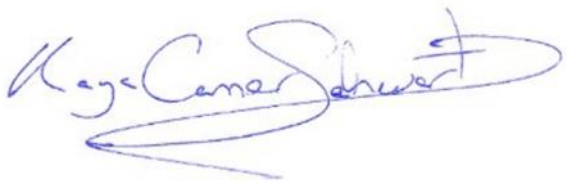
Recommendation:

The Deputy Mayor for Policing and Crime is recommended to determine that the offences were committed in connection with the former officer's service as a member of the MPS and that an application for certificates of forfeiture should be submitted to the Home Secretary.

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.



Signature **Date** 06/01/2025

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

1. Introduction and background

1.1. Included in Part 2 of the decision

2. Issues for consideration

2.1. Included in Part 2 of the decision

Recommendations following Casey Review & Engage

2.2. Baroness Casey's report emphasised the importance of standards of behaviour in policing and building the confidence of communities. When a police officer drops well below those standards and commits a criminal offence in connection with their service it is incumbent on MOPAC to demonstrate to the public that it is taking action to forfeit an officer's pension.

3. Financial Comments

3.1. There are no direct financial implications for MOPAC associated with the decision at this stage. Pension forfeiture will 'benefit' the Police Officer Pension Fund which is funded by officer and employer contributions and the Home Office Top Up grant, and any individual pension forfeiture will not materially affect these.

4. Legal Comments

4.1. Regulation K5 of the Police Pensions Regulations 1987 (as amended) made under the Police Pensions Act 1976 states at sub paragraph (4):

"Subject to paragraph (5), [the pension supervising authority in respect of] a pension to which this Regulation applies may determine that the pension be forfeited, in whole or in part and permanently or temporarily as they may specify, if the grantee has been convicted of an offence committed in connection with his service as a member of a police force which is certified by the Secretary of State either to have been gravely injurious to the interests of the State or to be liable to lead to serious loss of confidence in the public service."

Paragraph (5) of regulation K5 is not relevant for present purposes.

MOPAC is the local policing body for the Metropolitan Police District under the Police Act 1996. As such, by virtue of section 11(2) of the Police Pensions Act 1976, MOPAC is the "pension supervising authority" in respect of the Metropolitan Police Service.

Regulation 211(1) of the Police Pensions Regulations 2015 (as amended) made under the Public Service Pensions Act 2013 states:
"If a member is convicted of a relevant offence, the pension supervising authority may, to the extent the pension supervising authority considers appropriate, require the scheme manager to withhold benefits payable under this scheme to or in respect of the member."

The definition of a "relevant offence" under regulation 211(5) includes "an offence committed in connection with the member's service as a member of a police force and in respect of which the Secretary of State for the Home Department has issued a forfeiture certificate." For the purposes of the regulation a forfeiture certificate "means a certificate given by the Secretary for the Home Department stating that the Secretary of State for the Home Department considers that the offence (a) has been gravely injurious to the interests of the State; or (b) is liable to lead to serious loss of confidence in service by members of police forces in England and Wales."

Regulation 210 of the Police Pensions Regulations 2015 states that MOPAC is the pension supervising authority for a member of the metropolitan police force.

4.2. At this first stage of the process, it is for MOPAC to determine whether the ex-officer has committed an offence in connection with their service as a member of a police force. The Courts have ruled that the pensioner need not have been a serving officer at the time of the offence in order to meet the requirement that it must be connected with their service. For instance, the offence may have been committed after the pensioner retired but they may have used police knowledge or police systems or police contacts in the commission of the offence. However, pension rights, once earned, should not be forfeited except in serious circumstances. Forfeiture will therefore not be appropriate in every case where a pensioner has committed a criminal offence, but it should always be considered where the offence was serious and there is or might be public concern about the pensioner's abuse of their position of trust.

4.3. Where a case has been identified which it considers meets the statutory criteria, (and without prejudice to the final decision by the pension supervising authority on whether to forfeit a pension), the pension supervising authority should apply to the Home Secretary for the issue of a certificate. The authority should provide the basis for the application, including the reasons for its view that the pensioner's offence was committed in connection with their police service.

4.4. The Home Secretary will then consider whether the pensioner's offence was either gravely injurious to the interests of the State or liable to lead to serious loss of confidence in the public service. If the Home Secretary issues a certificate on that basis it will be for the pension supervising authority to decide whether and to what extent the pension should be forfeited.

5. GDPR and Data Privacy

5.1. MOPAC has a legal basis for considering forfeiture under the Police Pensions Act 1976. This involves the processing of the individual's personal data which we will do under the lawful basis of public task under GDPR. The processing of personal data has been minimised within this decision and is held within the confidential Part 2 of this decision form.

5.2. In the event of a certificate of forfeiture being issued and MOPAC deciding to forfeit the former officer's pension in whole or in part, consideration will be given on a case-by-case basis as to whether the name of the former officer, a summary of the crime(s) they were convicted of including circumstances of the case and the amount of forfeiture applied is published at a later date.

6. Equality Comments

6.1. There are no specific equality issues associated with the decision at this stage. The Home Office Guidance (Version 1.0 – published on 11 February 2021) entitled 'Police Pension Forfeiture Guidance' takes account of issues related to human rights, disability in the family and illness at the time of the offence.

7. Background/supporting papers

7.1. Included in Part 2 of the decision.

Public access to information Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval. If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.
Part 1 Deferral: Is the publication of Part 1 of this approval to be deferred? NO
Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication. Is there a **Part 2** form – YES

ORIGINATING OFFICER DECLARATION	*Tick to confirm statement*
Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.	**ü**
Legal Advice: The TfL legal team has been consulted on the proposal.	**ü**
Equalities Advice: The Workforce Development Officer has been consulted on the equalities and diversity issues within this report.	**ü**
Commercial Issues Commercial issues are not applicable.	**ü**
GDPR/Data Privacy GDPR compliance issues are covered in the body of the report and the Data Protection Officer has been consulted on the GDPR issues within this report.	**ü**
Drafting Officer The Professional Standards officer has drafted this report in accordance with MOPAC procedures.	**ü**
Director/Head of Service: The Head of MPS Oversight – Governance and Professionalism has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	**ü**

Chief Executive Officer

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

Signature _____ **Date** 06/01/2025