

REQUEST FOR DMPC DECISION – PCD 249

Title: Pension Forfeiture: Stage 1

Executive Summary:

This decision is to determine whether an application should be submitted to the Home Secretary for a certificate of forfeiture in respect of the ex-officer's pension. At this first stage of the process a decision must be made whether the offence committed by the ex-officer was 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 asked to determine that the offence was committed in connection with the ex-officer's service as a member of the MPS and submit an application for a certificate of forfeiture 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

Sybil Wender

Date

29/8/17

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

Decision required – supporting report

1. Introduction and background

Included in Part 2 of the decision.

2. Issues for consideration

Included in Part 2 of the decision.

3. Financial Comments

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."

The 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 the MOPAC is the "pension supervising authority" in respect of the Metropolitan Police Service.

4.2. At this first stage of the process it is for the MOPAC to establish whether the ex-officer has committed an offence in connection with his/her 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 his/her service. For instance, the offence may have been committed after the pensioner retired but he or she 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 his/her position of trust.

4.3. Where a case has been identified, (and without prejudice to the final decision by the police authority on whether to forfeit a pension), the police 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 the police authority's view that the pensioner's offence was committed in connection with his/her 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 police authority to decide whether and to what extent the pension should be forfeited.

5. Equality Comments

There are no specific equality issues associated with the decision at this stage.

6. Background/supporting papers

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 (FOI Act) 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

If yes, for what reason:

Until what date: N/A

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 (✓)
Head of Unit: Judith Mullett has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓
Legal Advice: The MPS legal team has been consulted on the proposal.	✓
Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
Equalities Advice: Equality and diversity issues are covered in the body of the report.	✓

OFFICER APPROVAL**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

R. Lawrence

Date

29/8/17