

**ORIGINATOR: CHIEF EXECUTIVE**

**DECISION NUMBER: 29 - 2025**

**REASON FOR SUBMISSION: FOR DECISION**

**SUBMITTED TO: POLICE AND CRIME COMMISSIONER**

**SUBJECT: PENSION FORFEITURE POLICY**

**SUMMARY:**

This policy sets out the approach and procedure to be followed for the forfeiture of police officer pensions and has been drafted in accordance with the Home Office Police Pension Forfeiture Guidance. This procedure is to be followed by the Police and Crime Commissioner (PCC) when considering cases under Regulation K5 of the Police Pension Regulations 1987 ('the 1987 Regulations').

**RECOMMENDATION:**

It is recommended that the Police and Crime Commissioner adopts this policy.

**APPROVAL BY: PCC**

The recommendation set out above is agreed.

**Signature:**



**Date:** 20 October 2025

## **DETAIL OF THE SUBMISSION**

### **1. KEY ISSUES FOR CONSIDERATION:**

1.1 Pension forfeiture applications can be made by the Police and Crime Commissioner where they consider that the requirements in the Police Pensions Schemes are met, namely, where a police officer, or former police officer who is, or was, a member of a police pension scheme has:

a) been convicted of a criminal offence committed in connection with their service as a member of a police force, and

b) the offence has been certified by the Secretary of State as either

- I. liable to lead to a serious loss of confidence in the public service; or
- II. gravely injurious to the interests of the State.

1.2 This policy sets out the approach and procedure to be followed for the forfeiture of police officer pensions and has been drafted in accordance with the Home Office Police Pension Forfeiture Guidance and Process Map. This procedure includes steps where the PCC will be provided with a recommendation from the Chief Constable and where they must apply for a certificate from the Home Secretary.

1.3 The legislative basis for police pension forfeiture is found in Regulation K5 of the Police Pensions Regulations 1987, Regulation 55 of the 2006 Regulations and Chapter 5 of Part 13 to the 2015 Regulations which allows the PCC to determine forfeiture, and the extent of forfeiture of police officer pensions in specific cases.

1.4 The Regulations also detail circumstances where the PCC may apply for forfeiture of a police officer's pension from:

- I. A regular police officer or former regular police officer;
- II. A survivor of such a police officer; and
- III. A pension credit member.

### **2. FINANCIAL IMPLICATIONS:**

2.1 The agreement does not have any specific financial implications.

### **3. OTHER IMPLICATIONS AND RISKS:**

3.1 There are no other known implications and risks.

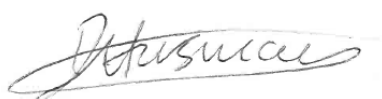
<b>ORIGINATOR CHECKLIST (MUST BE COMPLETED)</b>	<b>PLEASE STATE 'YES' OR 'NO'</b>
Has legal advice been sought on this submission?	<b>No</b>
Has the PCC's Chief Finance Officer been consulted?	<b>Yes</b>
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	<b>Yes</b>
Have human resource implications been considered?	<b>Yes</b>
Is the recommendation consistent with the objectives in the Police and Crime Plan?	<b>Yes</b>
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	<b>No</b>
Has communications advice been sought on areas of likely media interest and how they might be managed?	<b>No</b>
Have all relevant ethical factors been taken into consideration in developing this submission?	<b>Yes</b>

In relation to the above, please ensure that all relevant issues have been highlighted in the 'other implications and risks' section of the submission.

**APPROVAL TO SUBMIT TO THE DECISION-MAKER** (this approval is required only for submissions to the PCC).

**Chief Executive**

I am satisfied that relevant advice has been taken into account in the preparation of the report and that this is an appropriate request to be submitted to the PCC.



**Signature:**

**Date:** 26 September 2025



## **Police Officer Pension Forfeiture Policy and Guide**

<b>Author:</b>	<b>Darren Horsman</b>
<b>Date of Creation:</b>	<b>01.10.25</b>
<b>Last Review Date:</b>	<b>NA</b>
<b>Next Review Date:</b>	<b>01.10.27</b>

<b>Change Log – details of change made</b>	<b>Date</b>

## **1. Introduction**

- 1.1 This document sets out the policy and procedure to be followed for the forfeiture of police officer pensions and has been drafted in accordance with the Home Office Police Pension Forfeiture Guidance and Process Map (11<sup>th</sup> February 2021 – linked as Annex A). This procedure is to be followed by the Police and Crime Commissioner (PCC) when considering cases under Regulation K5 of the Police Pension Regulations 1987 ('the 1987 Regulations').
- 1.2 The legislative basis for police pension forfeiture is found in Regulation K5 of the Police Pensions Regulations 1987, Regulation 55 of the 2006 Regulations and Chapter 5 of Part 13 to the 2015 Regulations which allows the PCC to determine forfeiture, and the extent of forfeiture of police officer pensions in specific cases. Regulation K5 is linked at the end of this document as Annex B.
- 1.3 The Regulations (section 55) also detail circumstances where the PCC may apply for forfeiture of a police officer's pension from:
- A regular police officer or former regular police officer;
  - A survivor of such a police officer; and
  - A pension credit member.
- 1.4 The Regulations (section 55) also detail circumstances where the PCC may apply for forfeiture. The term 'pensioner' is used throughout the policy and refers to the police officer subject to the pension forfeiture proceedings who is in receipt of, or eligible to receive a relevant pension.
- 1.5 The PCC retains the authority to vary this procedure on a case-by-case basis at their discretion.

## **2. Cases for Forfeiture**

- 2.1 Forfeiture cannot be applied for in cases where there is no criminal conviction.
- 2.2 The PCC may determine forfeiture, and the extent of forfeiture where a pensioner (whether they are eligible for an immediate or deferred pension) has been convicted of either:

CASE 1: An offence 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;

CASE 2: A criminal offence committed in connection with a person's service as a member of a police force, which has been certified by the relevant Secretary of State either to have been:

- Gravely injurious to the interests of the State; or
- Liable to lead to serious loss of confidence in the public service.

This second scenario accounts for virtually all forfeiture decisions.

2.3 The relevant Secretary of State for police officers is the Secretary of State for the Home Department who is referred to as the Home Secretary throughout this policy.

2.4 The relevant case law states 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 e.g. an offence committed after the pensioner has retired.

2.5 The following policy is directed primarily at Case 2 convictions. Case 1 convictions will follow a similar procedure but are relatively rare and do not require a Home Secretary's certificate. Consequently, there is no requirement to determine whether the conviction was gravely injurious to the state or liable to lead to the serious loss of confidence in the public service and the PCC can proceed directly to consider forfeiture.

### **3. Monitoring**

3.1 Pro-active monitoring of cases will enable the Office of Police and Crime Commissioner (OPCC) to identify relevant cases and track their progress through the criminal justice system.

3.2 Suffolk OPCC will meet on a regular basis with Suffolk Constabulary's Professional Standards Department (PSD) to assess cases for potential forfeiture. If a case results in a conviction, PSD will update the OPCC with the outcome and sentencing, in order that the report/pro-forma can be produced as soon as possible.

### **4. The Chief Constable's Report**

- 4.1 Where a case has been identified, the Chief Constable, or their representative, shall provide the PCC with a report containing all the details as required by the pro forma. If a pensioner is intending to appeal against conviction or sentence, the pension forfeiture procedures should be stayed pending the conclusion of appeal proceedings.
- 4.2 However, the Chief Constable or their representative should not make any comments as to whether the offence is linked to the pensioner's service; whether it is liable to lead to a serious loss of confidence in the service; or the level of any forfeiture. To do so would be usurping the role of the Commissioner under the legislation.
- 4.3 The report should contain as much relevant information as possible and should also include relevant financial information including pension scheme details. Further details as to the information required within the report in respect of the pensioner and the circumstances of the offence(s) is outlined in Annex 2. This report should then form the basis for the OPCC to begin preparations for a Stage 1 meeting (see section 5.2 and section 6).

## **5. Certification Decision**

- 5.1 The OPCC should write to the pensioner, or his/her representative, inviting submissions to be placed before the Commissioner as to whether:
- The conviction was in connection with the pensioner's service as a member of the police force;
  - An application should be made to the Secretary of State for a certificate of forfeiture.
  - Whether there are any current relevant considerations.

With the invitation to supply written submissions, the pensioner should be sent copies of the Stage 1 report unless there is an overriding public interest in specific papers being withheld. For example, where a document is protected from disclosure owing to public interest immunity.

- 5.2 The pensioner will be asked to submit any written representations that they wish the PCC to consider within 28 days. There may be circumstances where a longer or shorter time period is appropriate, and an extension can be considered by the PCC. The pensioner should be informed that any submissions they make will be sent to the Home Secretary with any application for a certificate of forfeiture and this may be passed to the Chief Constable.

- 5.3 In certain circumstances, for example, if there is a dispute as to fact or an issue which the Chief Constable could clarify, any submission received by the pensioner may be passed through to the Chief Constable to respond or provide clarification.

## **6. Stage 1 Meeting considerations**

- 6.1 As soon as practical, on receipt of the Constabulary's report and any written submissions received from the pensioner, the PCC's Chief Executive will arrange for the PCC to consider the case for pension forfeiture in a Stage 1 Pension Forfeiture consideration meeting. This meeting will include the PCC, the PCC's Chief Executive, an Independent Panel Member (IPM), and any appropriate members of the OPCC (i.e. Chief Finance Officer and a notetaker). The PCC and members will consider the information provided in a Stage 1 Report (see section 6.5 for further details) which contains the Constabulary's report (including details of the offence, pension amounts, Judge's comments/sentencing remarks), details of media and other reporting, representations from the pensioner and the relevant legislation and guidance.
- 6.2 If the pensioner has been granted leave to appeal their conviction, the PCC should await the outcome of the appeal before proceeding with a Stage 1 meeting. This provision does not apply where leave to appeal is initially refused, and the pensioner seeks leave to appeal to a higher court. In those circumstances the PCC should proceed until any leave to appeal is granted.
- 6.3 At the Stage 1 meeting, the PCC will not determine whether the pension should be forfeited. The PCC must **only** decide whether to apply to the Home Secretary for a certificate. The PCC is not required to give any indication as to any amount or proportion or duration of any forfeiture that they might be considering in order to apply for a certificate from the Home Secretary. If the pensioner has not supplied written submissions, the panel can consider a case, provided it is content that the pensioner has been given the opportunity to make written representations.

## **7. Application for a certificate for forfeiture**

- 7.1 If the decision is made to apply for a certificate, the PCC's application to the Home Secretary should be made using the Home Office's proforma.



- 7.2 If the decision is made to apply for a certificate, the pensioner should be informed in writing of the decision and the reasons for the decision. The PCC (or their office) must notify the pensioner of the application to the Home Secretary as soon as possible.
- 7.3 If the decision is made not to apply, the pensioner and the Chief Constable (or their representative) must be informed in writing as soon as possible.
- 7.4 Applications in respect of police officer pensions should be submitted in a timely fashion electronically to:- [Pension.Forfeiture@homeoffice.gov.uk](mailto:Pension.Forfeiture@homeoffice.gov.uk) . Hard copies of applications will be accepted if necessary and should be sent to a named point of contact via recorded delivery to the address below:

*Pension Forfeiture  
Police Integrity Unit  
Crime Policing and Fire Group  
6th Floor Fry Building,  
2 Marsham Street  
London  
SW1P 4DF*

- 7.5 The OPCC will seek to avoid there being undue delay in consideration of the application for a Certificate of Forfeiture by the Home Secretary by requesting updates as to the position of the application at appropriate intervals if necessary.

## **8. Receipt of Home Secretary's Decision**

- 8.1 Once the application has been received, it is for the Home Secretary to 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.
- 8.2 The OPCC will be notified of the Home Secretary's decision and the reasons for the decision. A copy of the certificate, if issued, will also be forwarded to the OPCC. The PCC must inform the pensioner and the Chief Constable (or appropriate force representative) of the outcome as soon as possible.

- 8.3 The issuance of a certificate does not oblige the PCC to proceed with forfeiture. Forfeiture is entirely a matter for the PCC to determine. The issue of certificates is solely at the discretion of the Home Secretary and if a certificate is refused, forfeiture cannot proceed. The Home Secretary's decision can be challenged by Judicial Review, but only if it is unlawful or manifestly unreasonable or irrational.

## **9. Stage 2 Consideration of Forfeiture Decision by the Commissioner and Panel**

- 9.1 Upon receipt of the Home Secretary's certificate decision, where the Home Secretary determines that it is appropriate to issue a certificate of forfeiture, the OPCC will convene a Stage 2 Pension Forfeiture Meeting for the PCC to determine whether or not the pension should be forfeited and the extent of forfeiture.
- 9.2 The pensioner should be invited to make written representations as to whether their police pension should be forfeited at all, in whole or in part, and on a permanent or temporary basis. Should the pensioner request the opportunity to make oral submissions, arrangements should be made to hold a meeting where these can be heard by the panel.
- 9.3 The Stage 2 meeting will, as far as is practicable, consist of the same attendees as the Stage 1 meeting (noting that the IPM may change dependent on availability).
- 9.4 In advance of the Stage 2 meeting, those attending will receive the appropriate paperwork 7 days in advance of the meeting. The documents will include:
- The papers presented to the PCC in relation to the certification decision in the Stage 1 Meeting (e.g. the Stage 1 Final Report).
  - The certificate of forfeiture and any covering letter provided by the Home Secretary's office.
  - Any further submissions supplied by the pensioner.
- 9.5 If the Chief Constable has supplied any further paperwork between the Certification Decision being received and the Stage 2 meeting, the documents will be made available to both the panel and the pensioner for comment unless non-disclosure is justified by an overriding public interest. Legal advice should be sought if it is intended to withhold sensitive information from the pensioner.

9.6 The paperwork prepared for the meeting is exempt information under Schedule 12A of the Local Government Act 1972 (as amended). Consequently, although proceedings may be held in public, the documents presented will not be released to the press or public.

9.7 Where a Forfeiture Decision is being considered the following procedure will be followed:

- The member of staff from the OPCC will outline the issues to be determined.
- Those attending may ask relevant questions. If at any time during the meeting the PCC decides that a point of detail needs to be clarified, proceedings may be adjourned to clarify the detail required.
- The PCC shall as soon as practical determine whether a forfeiture is to take place, and if so to what extent. The PCC will make this decision in private with advice from the Chief Executive, his/her team and legal advisers as appropriate.
- The information submitted by all parties at each stage of the process should be considered by the PCC when determining whether the pension shall be forfeited.

Requests for public panel meetings will be considered on a case-by-case basis.

## **10. Procedure following PCC Decision**

10.1 Upon determination of whether the pension is to be forfeited, full reasons for any decision taken should be provided and noted formally. If a forfeiture is to take place, the pensioner shall be informed in writing of the decision, the extent of forfeiture and the full reasons for the PCC's decision. This notification should be sent as soon as possible following the conclusion of the Stage 2 meeting.

10.2 The Chief Executive (or representative from the OPCC) will inform the Home Secretary of the final outcome of the case, whether the pension was forfeited, and the extent of forfeiture. The Chief Constable (or appropriate force representative) should also be informed of the outcome of the matter. The OPCC should then ensure that contact is made via the force to ensure that the necessary parties (such as XPS Group Pension Administration) are aware that the pension is to be forfeited.

## **11. Appeals**

- 11.1 The pensioner has a right of appeal against a decision made by the PCC to forfeit their pension as outlined in the Police Pensions Schemes. As a matter of good practice, the Home Secretary should be informed as soon as possible where an individual appeals any aspect of the forfeiture, and the subsequent outcome of any such appeal as soon as possible from the decision being made. Regulation H6 of the 1987 Regulations provides for a right of appeal to the Crown Court, against the decision by the PCC to forfeit the pension.
- 11.2 The right of appeal lies after the forfeiture has occurred, even if the cause for aggrievement is whether the offence was committed in connection with his or her service.
- 11.3 Under the rules of the Crown Court, a notice of appeal should be submitted to the Court and any other party to the appeal within 21 days of the day the individual was notified of the decision. The Court has discretion however, to accept an appeal out of time.

## **12. Final Checks**

- 12.1 Upon conclusion of the Stage 2 meeting and following the subsequent 28-day appeal period, should no further representations be made for appeal, the Office of the Police and Crime Commissioner will ensure that proper communications are made with the XPS Group Pension Administration (and/or appropriate sub-contractor) to confirm that any deductions agreed during the Stage 2 meeting will absolutely be put in place. This will include asking the pension provider for illustrations of how and when the deductions will take place and amounts to be received.

## **Annex**

Annex A - [Pension Forfeiture guidance.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Annex B - Regulation K5, Police Pension Regulations 1987, Forfeiture of Pension - [The Police Pensions Regulations 1987 \(legislation.gov.uk\)](https://www.legislation.gov.uk)