

Here is the policy followed by the equality impact assessment

LEICESTERSHIRE POLICE AUTHORITY

GUIDELINES FOR CASES OF FORFEITURE OF POLICE PENSIONS

Introduction

1. The Police Pension Regulations 1987 provide for forfeiture of pensions in cases where either a particular offence has been committed or an offence has been committed in connection with the person's service as a member of the Force which is certified by the Secretary of State to be particularly serious. These guidelines deal with both situations.
2. Paragraphs 5 to 11 and 21 to 22 are guidelines applicable in all situations.
3. Paragraphs 12 to 14 apply in the case of specified offences namely: "(a) an offence of treason, (b) one or more offences under the Official Secrets Act 1911 to 1939 for which the grantee (of the pension) has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least 10 years."
4. Paragraphs 15 to 20 apply in the case of the grantee "who 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 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."

Criminal Proceedings

5. If an officer/former officer is appearing at court, having been charged with an offence which may fall within the definitions set out at paragraph 3 or 4 above, a senior police officer should be present at court. That officer should be aware of the provisions in these guidelines and should ensure that arrangements are in place to obtain the instructions of the Chief Constable as a matter of urgency, should the need arise.
6. The Chief Constable will consider whether, in his view, conviction of the offence as charged is likely to result in action under the procedure set out below to consider forfeiture of pension. The Chief Constable will, if he thinks it appropriate, discuss the issue with the Chief Executive of the Police Authority and seek legal advice.
7. In the event of enquiries being made by the court or by counsel for the prosecution as to whether or not action will be taken to forfeit the pension, the senior officer should, after consultation with the Chief Constable, or in his absence an officer not below the rank of Assistant Chief Constable, provide information that either (a) the Chief Constable will meet with the Chief Executive of the Police Authority to discuss the preparation of a report to the Police Authority requesting that the Authority consider forfeiture of the pension or (b) the Chief Constable does not propose to bring a report to the Police Authority requesting such forfeiture.
8. If an enquiry is made by counsel for the defence, the senior police officer at court should advise prosecuting counsel of that approach and inform the defence counsel that he will discuss the issue with prosecuting counsel. Prosecuting counsel may then ask enquiries to be made as at paragraph 7 above.

After Conviction

9. If the officer/former officer is convicted and it appears that forfeiture may be applicable, a meeting will be arranged involving the Chief Constable and Chief Executive (or their representatives) to discuss the process to be followed.

10. If, as a result of that meeting, it is decided to pursue the matter, a report will be prepared by the Chief Constable for the Professional Standards Committee of the Police Authority.
11. In addition to 10 above, the Chief Constable shall report to the Professional Standards Committee all cases where a serving police officer is convicted of a criminal offence. In such cases the following information should be provided:-
 - Name of the court.
 - Date of hearing.
 - The penalty imposed by the court.
 - Any relevant comments made by the Judge or Magistrate.
 - Details of any internal disciplinary action taken.

Conviction of Specified Offence

12. If the officer/former officer is convicted of one of the offences specified at paragraph 3 above, the purpose of the report to the members of the Committee and of the meeting of the Committee is to consider whether or not the pension should be forfeited in whole or in part and permanently or temporarily.
13. A copy of the report will be provided to the officer/former officer in advance of the meeting. That person will be invited to give written representations within a specified timescale. The Chief Constable will then be able to provide a further written response within a specified time period. The Chief Executive will be responsible for collation of the documentation. All documentation will be provided to the Committee, the Chief Constable and the officer/former officer before the meeting.
14. The officer/former officer will be invited to attend the meeting and to make oral representations based upon the representations in writing. He/she can be accompanied by a 'friend' or legal representative if they wish. If it is impractical for the officer to attend (for example where he is in prison) then their 'friend' or legal representative can attend on their behalf. The Chief Constable will be able to respond to those representations. Consideration will be given to the composition of the committee when determining this issue and if necessary the Chief Executive will arrange for an observer to be present during the committee meeting. The committee, after clarifying any outstanding issues, will then make its decision in private with advice from the Chief Executive and any relevant legal or pensions advisor (as appropriate).

Serious Offences Committed in Connection with Service

15. In the cases of offences falling within paragraph 4, the purpose of the report is to enable members of the Professional Standards Committee to consider whether or not to apply to the Home Office for a Certificate of Forfeiture. For this the Authority needs to address two questions:
 - (i) Has the offence been committed in connection with the officer's/former officer's service as a member of a police force?
 - (ii) Without prejudice to any final decision by the Authority to forfeit or not forfeit the pension, is the offence sufficiently serious to refer the matter to the Home Secretary for a Certificate that the offence has either (a) been gravely injurious to the interests of the state or (b) been liable to lead to serious loss of confidence in the public service.
16. A copy of the report will be provided to the officer/former officer in advance of the meeting. That person will be invited to give written representations within a specified timescale. The Chief Constable will then be able to provide a further written response within a specified time period. The Chief Executive will be responsible for collation of the documentation. All documentation will be provided to the Committee, the Chief Constable and the officer/former officer before the meeting.

17. The officer/former officer will be invited to attend the meeting (or be represented where this is impractical) and to make oral representations based upon the representations in writing. The Chief Constable will be able to respond to those representations. Consideration will be given to the composition of the Committee when determining this issue and if necessary the Chief Executive will arrange for an observer to be present during the committee meeting. The Committee, after clarifying any outstanding issues, will then make its decision in private with advice from the Chief Executive and any relevant legal or pensions advisor (as appropriate).
18. In the event of the Home Office issuing a Certificate of Forfeiture, the matter will be referred back to the Professional Standards Committee, who will then consider whether the pension should be forfeited in whole or in part and permanently or temporarily. At this stage, the only issue for the Committee will be the extent of the forfeiture.
19. The Chief Constable will prepare any necessary further report for the meeting. A copy of the report will be provided to the officer/former officer in advance of the meeting. That person will be invited to give written representations within a specified timescale. The Chief Constable will then be able to provide a further written response within a specified time period. The Chief Executive will be responsible for collation of the documentation. All documentation will be provided to the Committee, the Chief Constable and the officer/former officer before the meeting.
20. The officer/former officer will be invited to attend the meeting with their 'friend' or legal representative and to make oral representations based upon the representations in writing. If it is impractical for the officer/former officer to attend they can be represented by their 'friend' or legal representative. The Chief Constable will be able to respond to those representations. Consideration will be given to the composition of the Committee when determining this issue and if necessary the Chief Executive will arrange for an observer to be present during the committee meeting. The Committee will, after clarifying any outstanding issues, then make its decision in private with advice from the Chief Executive and any relevant legal or pensions advisor (as appropriate).

Communication of Decisions

21. The decision of the Committee will be conveyed to the officer/former officer in writing following the meeting by the Chief Executive. (This applies to decisions at paragraphs 14, 17 and 20 above).
22. Decisions of the Committee or Home Office will be reported to the full Police Authority by the Chief Executive, for information.

This policy will next be reviewed in Summer 2011.

Adopted by minute 43/08 of Professional Standards Committee on 15dec08

Impact Assessment

Purpose

The purpose of an Equality Impact Assessment is to work out how a policy will affect people from different groups, both externally in terms of our communities and internally in terms of our staff. This is so that we can ensure as far as possible our policies are developed in full recognition of the diverse needs, circumstances and concerns of the people who will be affected by them.

Policy Title	Guidelines for cases of forfeiture of police pensions	
Version	Appendix 2, paper D, Professional Standards Committee 15 December 2008	
Publication	Yes, this will be published	Affects persons External to the organisation
Policy Owner	Police Authority	R Swinfield
Date Impact assessment completed	26 November 2008	
Policy Review Date	Summer 2011	
Impact Assessment Author	R Swinfield	

Summary Overview

The guidelines relate to cases involving the legal power of the Police Authority to forfeit a police pension in certain circumstances. The power is relatively draconian as it can affect the livelihood, in retirement, of ex-officers. However there have only been nine cases in the last 10 years in this Authority where the issue has arisen for determination. The guidelines are not there to promote equality of opportunity or to promote good relations between different groups. The guidelines do not impact upon disabled people in general. However in dealing with the particular case, as it is a quasi-judicial decision, there is opportunity for discrimination.

The initial stage of the process would normally involve the person in court on the criminal charge. At this stage the person would be legally represented and would have opportunity to put forward any particular mitigating factors. The Chief Executive then writes to the ex-officer indicating the forfeiture provisions. If there were any disability issues at this stage affecting the ex-officer's ability to respond, they would probably be known to the Constabulary and could be catered for. The adjudication of the questions by the Committee can involve the ex-officer attending the meeting. These meetings would normally take place at Force Headquarters where accessibility issues are well covered. The make up of the Committee determining question should have a balanced profile and it is suggested that this element be incorporated within the guidelines. If the ex-officer was in receipt of disability benefits, it is understood that these would not be directly adversely affected by any forfeiture of pension. However the provision of pension advice in that respect will be provided in any given case.

Section 1: Screening for Relevance to Equality

Section 1 should be completed for all policies.¹

On the basis of existing knowledge, data, and best estimates does this policy have an adverse impact on any of the following 4 areas:

(Please tick those areas in which there is adverse impact or potential for it.)

Area 1: Promote Equality of Opportunity					
Age	Disability	Gender	Race / Ethnicity	Religion / Belief	Sexual Orientation

¹ Note: A policy may be defined as a set of principles or a criterion an organisation develops to help carry out its functions as such, procedures and guidance is included also.

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Area 2: Eliminate Discrimination and Harassment

Age	Disability	Gender	Race / Ethnicity	Religion / Belief	Sexual Orientation
✓	✓	✓	✓	✓	✓

Area 3: Promote Good Relations Between Different Groups

Age	Disability	Gender	Race / Ethnicity	Religion / Belief	Sexual Orientation

Area 4: Does the Policy Impact on Disabled People?

Yes No ✓

If YES, and to comply with legislation, please answer the following:

Have measures been taken to meet the needs of disabled people (even if this requires more favourable treatment)? Please answer here:

Does the policy encourage participation by disabled people? Yes No

Please summarise the findings by source:

Please answer here:

If there is no evidence of adverse impact to equality issues highlighted in any of the 6 equality strands above and the research data supports this, there is no need to complete the rest of this template. However, if the screening assessment shows there to be an adverse impact in any of the areas a full impact assessment will be required. You will need to complete the rest of this template. Please determine whether this policy is one that is deemed high, medium or low priority².

High Medium Low ✓

Section 2: Full Impact assessment

Identify the aims and proposed outcomes of the policy?
Please answer here:

To treat fairly all persons subjected to these legal provisions.

Is the policy being monitored? If no monitoring is taking place, please state what will be implemented?
Please answer here:

²

High: Policies which have an impact on three of the four areas of Section1 (Promote Equality of Opportunity; Eliminate Discrimination and Harassment; Promote Good Relations Between Different Groups; Does the Policy Impact on Disabled People) and where there are concerns.

Medium: Policies which only apply to two of the areas of the general duty.

Low: Policies which may have an impact on one of the general duties, but which monitoring has not indicated issues of concern.

Note High priority policies require a full impact assessment within a 6 month period, medium in 12 months and low in 18 months.

Forfeiture arises relatively rarely. There have been nine cases in the last 10 years.

What monitoring data/ information/research has been considered?

Please answer here:

None.

Age
Gender
Disability
Race/ Ethnicity
Religion / Belief
Sexual Orientation

What gaps in the monitoring data/ information/research have been identified?

(Note if gaps have been identified consideration should be given to commissioning new research)

Please answer here:

None.

Age
Gender
Disability
Race/ Ethnicity
Religion / Belief
Sexual Orientation

From the monitoring data/ information/research has any adverse impact been identified?

Please answer here:

Not applicable.

Age
Gender
Disability
Race/ Ethnicity

Religion / Belief
Sexual Orientation

Are there any factors that can explain or justify this adverse impact?

Please answer here:

Not Applicable.

Has the policy been subject to consultation? If no, please state why. If yes, please state who, how, outcomes and what the process of feedback was to consultees.

Please answer here:

The guidelines have been subject to consultation with the Constabulary. There has been no consultation with diversity groups as it is felt this was not proportionate.

Outline any findings/outcomes of this impact assessment.

Please answer here:

Not applicable.

Recommendations from assessment is: (please delete as appropriate)

- A. **Policy maintained in current form** Please justify why especially if there is a possibility of adverse impact.
- B. **Policy amended** Please summarise the amendments.
- C. **Policy abandoned** Please state how the implications will be managed.

Please answer here:

- A. No adverse impact.

Any other comments: