

# Record of Decision

**ORIGINATOR:** Chief Executive

**REFERENCE:** OPCC.D.020.18

**TITLE:** Application for pension forfeiture

OPEN  CONFIDENTIAL

*Reason if Confidential:*

## EXECUTIVE SUMMARY

Police Regulations allow Police & Crime Commissioners to consider where appropriate the forfeiture of part of an officer's pension whereby an officer's conduct was connected to their employment as a police officer, and the conduct alleged could undermine public confidence in the service.

Chief Constable Alan Pughsley made representations to the PCC that consideration should be given to applying for a certificate of forfeiture from the Secretary of State in relation to an officer who had stolen many hundreds of items of police equipment, subsequently selling them on eBay for personal financial gain. The officer had been dismissed and sentenced to a term of imprisonment having admitted the offences alleged.

Where a certificate of forfeiture is issued by the Secretary of State, this enables the PCC to forfeit the part of the officer's pension provided by the Force, which ultimately is at the taxpayers' expense.

On the 18th April, the PCC met with advisors and considered that the case met the necessary threshold for an application to be made to the Secretary of State; an application was duly made, and in December, the Secretary of State granted the certificate of forfeiture.

The certificate having been granted then allowed the PCC to consider in detail the extent of the forfeiture and any aggravating or mitigating circumstances.

## RECOMMENDATION

With the certificate of forfeiture granted by the Secretary of State, to consider the proportion if any that should be so forfeited.

## DECISION

To forfeit 30% of the officers pension entitlement.

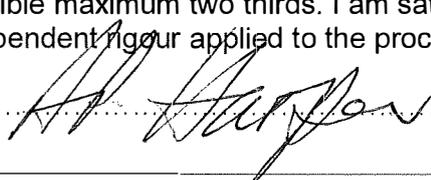
**Chief Finance Officer:**

Comments: N/A

Signature: ..... Date: .....

**Chief Executive:**

Comments: On reviewing the case in its entirety, the necessary case law, and appropriate cases to bench mark his decision making, the Commissioner decided that the level of forfeiture should be set at 30% out of a possible maximum two thirds. I am satisfied that this was both a lawful and transparent process with independent rigour applied to the process.

Signature:  ..... Date: 19/2018 .....

**POLICE AND CRIME COMMISSIONER FOR KENT**

Comments:

Signature:  ..... Date: 19.4.2018 .....

**BACKGROUND DOCUMENTS:** OPCC case file

<b><u>IMPACT ASSESSMENT:</u></b>	
Police and Crime Plan <i>(please indicate which objectives decision/recommendation supports)</i>	Supports delivery of the Safer in Kent Plan by promoting the highest standards of behaviour from all officers and staff, and ensuring the maintenance of an efficient and effective service within the county.
Has an Equality Impact Assessment been completed?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <i>(If yes, please include within background documents)</i>
Will the decision have a differential/adverse impact on any particular diversity strand? <i>(e.g. age, disability, gender reassignment, race, religion/belief, sex, sexual orientation, marriage/civil partnership, pregnancy/maternity)</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> The decision is administrative in nature. Therefore, it does not have a differential/adverse impact on any particular strand of diversity.