
Report by the Chief Constable

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POLICE PENSION REGULATIONS 1987**1. Introduction**

- 1.1 Following discussion at the Police Board Meeting of 15 November 2010 it is necessary to reconsider the proposal for the possible implementation of Regulation A19.
- 1.2 This report updates the Board on a matter that has to be considered in addressing forthcoming budget pressures.

2. Background

- 2.1 Provision exists within the Police Pension Regulations 1987, which empowers a police authority compulsorily to retire police officers on the grounds of Force efficiency. This is contained within Regulation A19, which states:

- 1) *This Regulation shall apply to a regular policeman, other than a chief officer of police, deputy chief constable or assistant chief constable, who if required to retire would be entitled to receive a pension of an amount not less than 2 thirds of his average pensionable pay or would be entitled to receive a pension of such an amount if it did not fall to be reduced in accordance with Part VIII of Schedule B (reduction of pension related to up-rating of widow's pension).*
- 2) *If a police authority determine that the retention in the force of a regular policeman to whom this Regulation applies would not be in the general interests of efficiency, he may be required to retire on such date as the police authority determine.*

- 2.2 The Regulation may be applied to police officers in ranks up to and including Chief Superintendent and who have accrued full pension entitlement (e.g. normally 30-years' service). It is equally applicable to officers on the 30+ or 30++ schemes but it cannot be applied to chief officer ranks. The power to invoke Regulation A19 rests exclusively with the Police Authority, although this power may be delegated to the Chief Constable.

3. Personnel and Cost Implications

- 3.1 It is currently impossible to know how many officers in the 29-30 years service bracket will retire on reaching full pensionable service. Officers are not required to give more than one month's notice of their intention to retire. In previous years, relatively static Force budgets have enabled the costs of officers working beyond 30 years to be balanced by adjustments to the

number of police recruits. Since the previous Board Meeting, officers who have either already reached 30 years pensionable service or who will do so within the next four years, have been asked to indicate when they would wish to retire.

- 3.2 Two hundred and fifty-four officers will complete 30-years' pensionable service in the years 2010/11 to 2014/15. Twenty-seven officers are currently retained on the 30 + scheme.
- 3.3 The reduction in funding for Financial Year 2011/12 although less than original advised by Government, is allied to the requirement to maintain Force police numbers at a specific level (2,973 officers). This is a new financial pressure since the matter was previously discussed.
- 3.4 The legal implications were discussed in the Board report of 15 November 2010.
- 3.5 Any proposed approach has to conform with legal advice obtained by Police Boards in Scotland and elsewhere in the UK and from the Solicitor to the Board at the Board meeting on 15 November 2010.

4. Proposed Approach

- 4.1 The decision whether or not to retire a police officer below the rank of assistant chief constable rests with the police authority and must be based on *the general interests of efficiency*.
- 4.2 Legal precedent suggests that the provisions of Regulation A19 should not be used selectively on individual officers. In this regard, once the financial case is made for the invocation of Regulation A19, the provisions should apply to all police officers on reaching 30 years pensionable service.
- 4.3 Police regulations require Police officers to provide one month's notice of retiral. Consequently, an officer intending to retire with 30-years' pensionable service would only be required to intimate this on achieving 29 years and 11 months service. In practical terms, due to the retiring officer's outstanding leave and time off in lieu of overtime working, this notice may effectively be with immediate effect.
- 4.4 It is intended to bring forward proposals detailing the process (including an appeal procedure) that would be used to manage this issue following consultation with elected members, staff associations and Board Officers in early course.

5. Conclusions

- 5.1 It is regrettable that this measure needs to be considered and that seasoned, experienced and committed police officers would be lost to the Force and the public service, before they would wish to leave. In the circumstances, however, the invocation of A19 would support the legitimate purpose of the Board and Chief Constable in balancing a substantially reduced budget and in seeking to maintain police numbers, with less recourse to Police Staff redundancies to cover the funding shortfall than would otherwise be the case. It should be noted, in this context, that police officers retiring with 30-years' pensionable service are entitled to an index-linked final pay pension of two thirds final pay and the option of a substantial, tax-free commutable lump sum.

6. Recommendations

6.1 That the Board notes the report.

A handwritten signature in black ink, appearing to read 'David Strang', with a long horizontal flourish extending to the right.

David Strang
Chief Constable

20 January 2011