

POLICE NEGOTIATING BOARD

Independent Secretary:
Martin Gilligan
Office of Manpower Economics
Kingsgate House
66-74 Victoria Street
LONDON SW1E 6SW

AGREEMENT REACHED IN THE POLICE NEGOTIATING BOARD

1. The Police Negotiating Board has agreed Joint guidance for Police Authorities on **new Compulsory Retirement Ages (CRAs) and Retirement Policy for Police Officers**. These changes have been introduced administratively from 1 October 2006. It is expected that the Police Pension Scheme 1987 Regulations will be amended retrospectively.
2. This PNB circular follows Home Office circular 35/2006, which sets out the PNB Joint Guidance in full and can be found on the Home Office website. The link is:
<http://www.knowledgenetwork.gov.uk/HO/circular.nsf/79755433dd36a66980256d4f004d1514/5a3a19724fee9a468025722e0046aa74?OpenDocument>. In view of the Home Office circular this PNB circular provides authority to implement the agreement
3. Any enquiries about this circular should be addressed to the Independent Secretariat at the Office of Manpower Economics ☎ 020 7215 8101, to the Official Side Secretary ☎ 020 7187 7340 or the Staff Side Secretary ☎ 020 8399 2224. Enquiries to the Independent Secretariat relating to the interpretation of this circular should be made in writing.

12 January 2007

* PNB Circulars form a single numerical series. Those which in themselves provide authority to implement an agreement carry the serial number alone, while those which are advisory are designated as such after the serial number.

MEMORANDUM

The following Joint guidance agreed with the Police Negotiating Board is submitted for the approval of the Secretary of State for the Home Department, the Scottish Ministers and the Secretary of State for Northern Ireland.

NEW COMPULSORY RETIREMENT AGES and RETIREMENT POLICY

The new Compulsory Retirement Ages (CRA) for Federated, Superintending and ACPO Ranks have now been agreed.

The Employment Equality (Age) Regulations 2006 make it unlawful to discriminate on the basis of age in employment. While the Regulations do apply to police officers, there are some provisions that do not. The PNB has agreed to follow the spirit of regulations where they do not apply. The new CRAs for police officers are 60 for Federated Ranks and 65 for Superintending and ACPO ranks.

The PNB/Home Office guidance is **attached** to this circular.

Police authorities and police forces should act on the attached guidance in order to complete the necessary changes to ensure the new arrangements for CRAs are being operated.

**PNB / Home Office Joint Guidance for Police
Authorities on New Compulsory Retirement Ages &
Retirement Policy for Police Officers with Effect from 1
October 2006**

SECTION ONE: INTRODUCTION

Background

- 1.1 The Employment Equality (Age) Regulations 2006 (“the Regulations”) came into Force on 1 October 2006 (apart from the pensions provisions of the Regulations, which come into force on 1 December 2006). These Regulations make it unlawful to discriminate on the basis of age in employment. Although the Regulations do apply to police officers, there are some provisions of the Regulations which do not. However, the spirit of the Regulations will be followed in the areas in which they do not apply.
- 1.2 The Regulations set a default retirement age of 65, to be reviewed in 2011. However, this does not apply to police officers and therefore any compulsory retirement age (CRA) for police officers needs to be objectively justified.
A full transcript of the Regulations can be found at:
http://www.opsi.gov.uk/si/si2006/draft/ukdsi_0110742664_en.pdf.
- 1.3 The Police Pensions Act 1976 empowers the Secretary of State to set CRAs for members of Police Forces. CRAs of 60 for the federated ranks and 65 for all other ranks have been approved, but with added flexibility to extend service for an unlimited period at the discretion of the Chief Officer of Police/Police Authority. This followed consultation with the Police Negotiating Board which was of the view that CRAs needed to be retained for the service and that they should be no higher than 60 and 65, as set out above; indeed, some sections of the PNB argued for lower ages for some ranks.

What is the status and purpose of this guidance?

- 1.4 This guidance follows up interim guidance sent out on 22 September 2006 in HOC 30/2006 and contains information to enable Police Forces and Police Authorities to implement the changes to CRAs for police officers as a result of the Employment Equality (Age) Regulations 2006 and to introduce new procedures for retirement policy in the spirit of the new legislation.
- 1.5 The Police Pensions Regulations 1987 will be amended to replace the previous CRAs and provisions for extensions. Since it was not possible for amendments to the regulations to come into force in time they will be given back-dated effect from 1 October 2006. However, the changes have taken effect administratively from 1 October 2006 in anticipation of the regulations being amended. Similarly, the Police Pensions Regulations 2006 will also contain these provisions.

How should Police Forces & Police Authorities act on this guidance?

- 1.6 Police Forces should act on this guidance in order to complete the necessary changes to ensure the new arrangements for CRAs are being operated with effect from 1 October 2006. Police Authorities will need to

institute monitoring procedures to ensure that Forces apply the guidance fairly and consistently.

- 1.7 Police Forces are permitted to add local detail to this guidance (i.e. contact names and local procedures for delegating decisions) after consulting the local Joint Branch Board.
- 1.8 Contact names and numbers are provided at Annex A if further clarification or other support is required.

SECTION TWO: SUMMARY OF THE NEW ARRANGEMENTS

- 2.1 The new CRAs for police officers are 60 for the federated ranks (Constable–Chief Inspector) and 65 for superintending/ACPO ranks.
- 2.2 The new arrangements are common to all Home Office Forces in England & Wales: the Metropolitan Police Service has ceased to operate separate CRAs in respect of its officers.
- 2.3 Extensions of service beyond CRA are no longer to be limited to a maximum of 5 years.
- 2.4 New arrangements for communication between officer and Force on retirement procedures have been introduced.
- 2.5 These new arrangements took effect on 1 October 2006.
- 2.6 The Police Pensions Regulations 1987 will be amended to reflect the new arrangements for CRAs, and the new arrangements apply equally to officers who joined or rejoined the service after 6 April 2006; this will also be set out in the Police Pensions Regulations 2006.
- 2.7 The new arrangements have no effect on the ages at which officers could retire with a pension before October 2006: these remain the same.
- 2.8 Former officers who have been compulsorily retired before 1 October 2006 will not be able to “reverse” their retirement or apply for extensions of service retrospectively.

SECTION THREE: THE NEW CRAS

- 3.1 The Employment Equality (Age) Regulations 2006 set a default retirement age of 65 (to be reviewed in 2011); however, this does not apply to police officers and so any compulsory retirement age requires objective justification. After consulting the Police Negotiating Board, the Home Office has decided to retain the facility for management to retire officers on the grounds of age and has set new CRAs for police officers applicable from 1 October 2006 to officers in all Home Forces in England and Wales. In reaching its decision the Home Office is satisfied that these ages are necessary and objectively justified.

The new CRAs are as follows:

Federated ranks (Constable – Chief Inspector)	60
Superintending/ACPO ranks	65

- 3.2 It is recognised that there may be certain cases where it would be desirable to retain the officer beyond the CRA for that rank. These new CRAs can therefore be extended at the discretion of the Chief Officer of Police in the case of officers below ACPO ranks and by the Police Authority in the case of ACPO rank officers. There is now no set overall limit (such as the pre-October limit of 5 years) to the period by which the CRA may be extended in this way. Detailed guidance on this can be found in Sections 5, 6 and 7.
- 3.3 For historical reasons, officers of the Metropolitan Police Service (MPS) previously had lower CRAs than those of other Forces. All Police Authorities, including the Metropolitan Police Authority (MPA) itself, agree that this inconsistency can no longer be justified. The same CRAs therefore apply to officers in all Home Forces in England and Wales from 1 October 2006.

SECTION FOUR: PENSIONS IMPLICATIONS OF THE NEW ARRANGEMENTS

- 4.1 It is important to emphasise to officers that they will not be disadvantaged by the new arrangements if they choose to retire as they expected to at their CRA as it was pre-October 2006.

Pension Age under the Police Pension Scheme 2006

- 4.2 Members of the new Police Pension Scheme (2006) already have a set pension age of 55 at or after which a serving officer can leave with an immediate pension irrespective of his or her length of service. Compulsory retirement on grounds of age has no bearing on pension rights under the Police Pension Scheme 2006.

Pension Ages under the Police Pension Scheme 1987

- 4.3 When making amendments to regulation A18 of the Police Pensions Regulations 1987 (which sets out the pre-October CRAs) we will also be amending other parts of the regulations as necessary. Changes to the Police Pension Scheme 1987 enable officers to retire with the same pension and lump sum they would have received had they been compulsorily retired at their CRA under the pre-October 2006 arrangements. All of these changes will also be backdated to 1 October 2006. **You should therefore apply the new provisions, safeguarding pensions at what would have been the officer's pre-October 2006 CRA, administratively with effect from 1 October 2006 in anticipation of the amendment regulations.**
- 4.4 In the Police Pension Scheme 1987 officers could retire before October 2006 with an immediate pension (other than on ill-health grounds) if they:
- Had 30 years' pensionable service
 - Had at least 25 years' pensionable service and are aged at least 50;
 - Were required to retire on grounds of age; or
 - Had reached the age of 60 and were retiring with a deferred pension. (It should be noted that despite its name a deferred pension can be paid immediately if an officer retires on or after reaching 60 with no entitlement to any other pension at that point).
- 4.5 In the Police Pension Scheme 1987 officers who retired before October 2006 could only commute up to a quarter of their pension for a lump sum (other than on retiring on ill-health grounds) if they:
- Had 30 years' pensionable service;
 - Were required to retire on grounds of age; or
 - Had reached the age of 60 and were retiring with a deferred pension (i.e. in circumstances where neither of the above applied).
- In other cases the officer's lump sum was restricted to 2.25 times the pre-commutation pension.
- 4.6 Before explaining the arrangements to safeguard the pre-October pension ages in the light of the changes to the CRA it is worth reiterating that officers should be reassured that these changes do not affect their

entitlement to retire with an immediate pension after 30 years' pensionable service or to retire with a pension payable from age 50 if they have at least 25 years' pensionable service but less than 30. These entitlements remain unchanged. The measures below apply to the ability of officers still to retire at their pre-October retirement age with an immediate pension if they have less than 25 years' pensionable service and also to officers to retire with a lump sum still based on a quarter of their pension if they have less than 30 years' pensionable service.

Changes to Safeguard Pre-October Pension Ages in the 1987 Scheme

4.7 The pre-October 2006 CRAs are set out below:

	Metropolitan	All other E/W Forces
Constable	55	55
Sergeant		
Inspector		60
Chief Inspector		
Superintendent		
Chief Superintendent		
Assistant Chief Constable	65	
Deputy Chief Constable		
Chief Constable		
Commander	57	
Deputy Assistant Commissioner		
Assistant Commissioner	60	

Note: Commander, Assistant Commissioner and Commissioner in the City of London police have a pre-October 2006 CRA of 65.

Pension and Lump Sum on Reaching the pre-October 2006 CRA

4.8 We are retaining the above ages, where they are below 60, to act with effect from 1 October 2006 as the point at which officers in the relevant rank and Force will be able to opt to retire voluntarily and still be able to draw an immediate pension even though they have less than 25 years' pensionable service and will still be able to take a lump sum having commuted up to a quarter of their pension even though they have less than 30 years' service. From the age of 60 all officers with less than 25 years' pensionable service are already able to retire with an immediate pension and from the age of 60 all officers with less than 30 years' pensionable service either are already able or will become able from 1 October 2006 to take a lump sum based on a quarter of their pension.

Pension and Lump Sum After the pre-October 2006 CRA

4.9 Under the pre-October 2006 arrangements, officers with less than 30 years' service who had an extension of their CRA and who then retired before reaching that new retirement date were not entitled to a lump sum based on a quarter of their pension. We have made a further change in that officers who serve beyond the pre-October 2006 CRA for their rank and Force will retain an entitlement while remaining in a rank and Force to which that CRA applies to retire with an immediate pension and/or

lump sum based on a quarter of the pension. In this way a pre-October 2006 CRA of below 60 becomes, within the limits of rank and Force, an additional pension age under the Police Pension Scheme 1987 enabling officers to opt to retire voluntarily with an immediate pension and take a lump sum based on a quarter of the pension without having to serve to a further point determined by management.

- 4.10 Where officers with a pre-October 2006 CRA which is below 60 are promoted to a rank or move to a Force with a higher pre-October 2006 CRA they are no longer covered by the pre-October 2006 CRA for their former rank or Force. They are either to be covered by the pre-October 2006 CRA for their new rank or Force or by the pension age of 60 (see paragraph 4.7 above), whichever is the earlier. This is to keep their pension and lump sum entitlements in line with those of fellow members of their new rank or Force with the same amount of pensionable service.

Deferred and Ill-Health Pensions

- 4.11 Pensions administrators should also note that we are retaining all the pre-October 2006 CRAs, not just those below 60, to act with effect from 1 October 2006 as the cut-off point for the hypothetical further service used in calculating the deferred pension or enhanced ill-health pension of officers who leave the service before attaining the pre-October 2006 CRA for their rank and Force and who would not have served for 30 years before reaching that CRA. **Where officers with a pre-October 2006 CRA which is below 60 are promoted to a rank or move to a Force with a higher pre-October 2006 CRA they are no longer covered by the pre-October 2006 CRA for their former rank or Force. They are either to be covered by the pre-October 2006 CRA for their new rank or Force or by the pension age of 60 if that is lower.**

Arrangements for Applying Commutation Factors

- 4.12 Normally officers must make their last day of service fall at least two days before their next birthday to ensure that the commutation factor used for calculating the lump sum is based on the age on that birthday and not on the birthday following that. For example, an officer aged 51 who will be 52 on March 31 must make his last day on 29 March to avoid a commutation factor for a person who will be 53 next birthday. An exception is made for officers who are being compulsorily retired on grounds of age, in which case their age next birthday is deemed to be the CRA.
- 4.13 This exception applies to the new CRAs but will also continue to apply to pre-October 2006 CRAs in two ways: one during the transitional period and one thereafter.
- 4.14 As explained in the section below a transitional period has been applied to officers who were due to be retired on grounds of age under the pre-October 2006 arrangements between 1 October 2006 and 30 April 2007 inclusive. Any officers who elect under the procedures explained below

to retire during the transitional period on the date they would have been retired under the pre-October 2006 arrangements will have the factor for that CRA (as the age next birthday) applied for the purposes of their lump sum. This will also apply in the transitional period to cases where an officer elects to retire on the date he or she would have been required to retire after an extension of service to a new CRA. The factor will apply whether or not it is possible for the Force to retire the officer on the date in question. This is in recognition of the fact that during the transition period officers will have been expecting to be able to receive a lump sum with that factor applied and that any subsequent delay in retirement will most likely be outside their control.

- 4.15 After the transitional period officers who retire on the pre-October 2006 CRA for their rank and Force will have the factor for that CRA (as the age next birthday) applied for the purposes of their lump sum. This enables them to remain in service until the day before they can draw their pension without adversely affecting their rate of commutation. After the transitional period a similar provision will not apply to extended pre-October 2006 CRAs which are not also new CRAs, since the officers concerned will be able to retire at any point without detriment to their pension and/or lump sum.
- 4.16 Particular attention must be given to the HMRC requirement that officers must give due notice of commutation in advance of their retirement date.

Arrangements for Purchasing Increased Benefits

- 4.17 The Police Pensions (Purchase of Increased Benefits) Regulations 1987 should be administered after 1 October 2006 so that references to the "retirement date", which is defined in the regulations as the date on which a police officer could be required to retire on account of age, are read as meaning the date on which the officer could have been required to retire on account of age under the pre-October 2006 arrangements. Thus a constable will still be able to purchase a maximum of two added 60ths if he or she could only have built up 38/60ths by the age of 55.
- 4.18 A further point to note is that periodical contributions will continue to be payable until the officer's pre-October CRA for their rank and Force at the time they made an election to purchase the increased benefits concerned - unless they leave either the Force or the scheme beforehand. No further payments are required as a result of the new CRAs, but reduced payments are not allowed either. The provision in regulation 3(3) is being retained to the effect that where an officer is now able to serve beyond the pre-October CRA for their rank and Force at the time of making their election, they remain under an obligation to complete the payment due and they shall not be entitled to any reimbursement of their lump sum or periodical contributions even though they may derive no benefit from their election as a consequence of this additional service.

SECTION FIVE: PROCEDURES & TIMESCALES

- 5.1 This section applies to cases falling outside the transition period, i.e. cases where officers reach their new CRA on or after 1 May 2007.
- 5.2 The Chief Officer of Police has discretion to grant extensions of service to officers up to and including the rank of chief superintendent. (In the Metropolitan Police Service the reference to the Chief Officer shall be a reference to an Assistant Commissioner.) The Police Authority will make this decision in the case of ACPO rank officers and any references in the following guidance to Chief Officer of Police should be construed as a reference to the Police Authority in any such case.
- 5.3 The Chief Officer may delegate a decision on an application for postponement of a CRA (other than one on appeal – see 5.13 below) to the Head of Personnel or a member of the HR Unit providing they are in a superintending or ACPO rank or the equivalent. This individual must also be under the direction and control of the Chief Officer and the Chief Officer must be legally answerable for the individual. Legal advice should be sought on this point if in doubt.
- 5.4 Officers must be notified of their compulsory retirement date (CRD) in writing at least 6 months in advance. They should also be informed of their ability to request to continue in service beyond their CRA. If a Force fails to notify an officer of their CRD in suitable time, they should send notification as soon as the position is realised and (if necessary) follow the procedures for temporary extension outlined in Paragraph 5.15).
- 5.5 Officers should be reminded that the Force will consider any request to continue in service, but also that it is entitled to refuse the request. The Force should remind officers that the new CRAs do not affect pension ages. They should also remind officers that they must give notice of their intention to commute part of their pension prior to their retirement date.
- 5.6 Officers should inform the Force of their intentions in good time. This should ideally be within one month of notification of their CRD and certainly no later than three months after notification. This is particularly important if they wish to apply to continue in service beyond their CRA, so that the application can be carefully considered and an appeal may take place if applicable (see Annex B).
- 5.7 If an extension to service is requested and granted, the procedure outlined above must be repeated each time an officer nears their new CRD (unless the new CRD is less than 6 months from the original retirement date).

Extensions of Service

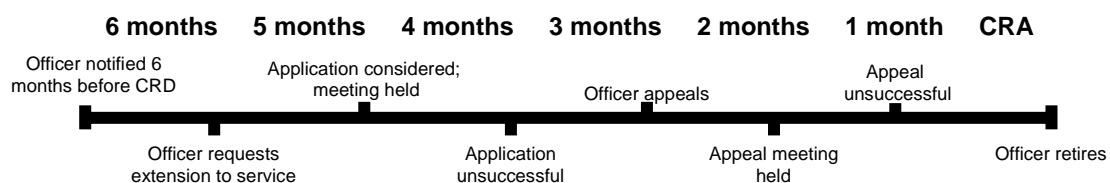
- 5.8 Individual Forces will need to set up locally agreed procedures for processing officers' applications to postpone their compulsory retirement date, which set out each stage clearly and who is responsible for action at that point. However, certain key processes and considerations should

form the basis of those procedures to ensure they are applied consistently across the police service.

- 5.9 If the officer requests an extension to service, a meeting should be held with the officer to discuss the request within a reasonable period of receiving it (unless not practicable). This initial meeting should be held by the officer's Line Manager or BCU Commander (seeking HR advice where necessary). The Line Manager/ BCU Commander should ensure that a report of this meeting is made available to the Chief Officer of Police (or delegated authority).
- 5.10 Correct and consistent procedure must be followed when handling requests to continue in service. Each request should be judged on its individual merits and circumstances. Procedure for considering requests to continue in service is detailed in Section 6 and illustrated in Annex C).
- 5.11 While Forces should give such requests due consideration, they are not obliged to grant them. The duration of an extension to service must always be defined.

.Appeals

- 5.12 If an officer's request to continue in service is not successful, they may appeal against the decision. The officer may appeal the decision if their request to continue in service is refused in its entirety or if accepted only for a shorter period than the default extension period of two years. Forces should exercise discretion when considering an officer's right of appeal in other cases.
- 5.13 The Chief Officer of Police (or Assistant Commissioner in the Metropolitan Police Service) will make the final decision on appeals. Unless the Chief Officer decides that there should be a medical appeal (see Paragraph 6.14), the next stage is an appeal meeting.
- 5.14 An appeal meeting should be held as soon as is reasonably practical. A Staff Association representative or other colleague can accompany the officer to this meeting (although not directly applicable to police officers, please see Schedule 6 of the Employment Equality (Age) Regulations 2006 for guidance on the recommended involvement of representatives in this meeting).
- 5.15 Officers should remain in service until the application process (including any appeal) has been completed. The timeline below shows how the process should proceed; it shows an unsuccessful application so as to demonstrate the appeal process. If this process cannot be completed in time, the officer should be granted a temporary extension of service.



Only in truly exceptional circumstances, and at the discretion of the Chief Officer of Police, should an officer be removed from service before the application process is complete (the Force should be prepared to justify such a decision). Please see Paragraph 6.19 for further information on such procedures.

SECTION SIX: CONSIDERING EXTENSIONS TO SERVICE

- 6.1 Police officers could previously (under the pre-October arrangements) request postponement of their compulsory retirement date, which is granted at the discretion of the Chief Officer of Police (up to and including the superintending ranks) or Police Authority (above superintending ranks). Extensions will continue to be at the discretion of the Chief Officer of Police or Police Authority as appropriate.
- 6.2 Such postponements were previously limited to a maximum of 5 years. This limitation was removed as of 1 October 2006: there is no longer an automatic restriction on retaining officers for longer than 5 years.

Requests to Continue in Service

- 6.3 Officers who wish to continue in service should be encouraged to request an extension in writing as soon as possible after receiving notification of their CRD from the Force. As detailed in Paragraph 5.6, this request should ideally be made within one month of notification and certainly no more than 3 months after notification. The officer should set out what skills and experience they can offer the Force and give the Force an indication of how long they would like to continue their service. The officer should also indicate whether they would want to be considered for future service only if they could remain in their current role or if they would still wish to stay on if **exceptionally** required to be redeployed. Officers on an extension of service remain liable to redeployment where operational resilience dictates.
- 6.4 Applications should be considered as soon as possible and the officer interviewed (by the Line Manager / BCU Commander) where issues raised in the application require clarification before a decision can be taken.
- 6.5 The officer should be informed of the decision in writing (by the Chief Officer of Police / delegated authority as detailed in Paragraph 5.3) as soon as is reasonably practicable. Again, it is important to remind the officer of the requirement to notify the Police Authority in advance of their retirement date if they wish to commute part of their pension.

Procedure for Considering and Granting Applications for Extensions to Service

- 6.6 Assessment of skills and performance
Suitability for further service on the basis of operational effectiveness
Previous performance is a key indicator of suitability for retention but it should be considered objectively. The officer's competencies and skills are relevant factors, as is information from PDRs and other relevant sources such as the officer's line manager. Discipline and attendance should also be borne in mind.
- 6.7 Consideration should also be given to the financial viability of retaining the officer, along with their skills and experience; effectively, how their

retention would benefit the Force as a whole. An application should proceed to medical consideration only where a potentially suitable role has been identified for the officer.

6.8 Medical assessment

The officer's ability to carry out police duties is another key consideration. Part of the objective justification of the new CRAs was based on the need for Forces to maintain operational resilience. The Force also has a duty of care to the individual, other police officers, and the public to ensure that an officer is not assigned to roles which are inappropriate for their level of mental and/or physical fitness.

6.9 It must be established that officers are mentally and physically capable for the role(s) they will perform whilst on their extension of service. It should also be borne in mind that they may exceptionally need to be redeployed in further roles and that they will continue to have a general duty to uphold the law and prevent crime. All these factors make it important that applicants should be medically assessed before a decision is made on postponement their CRA

6.10 As a first step applicants should complete a medical questionnaire. Please use the information in Annex B (paragraphs 1-7) of HOC 3/2004 as a basis for this questionnaire. All applicants should then be examined by the Force Medical Adviser (FMA) to determine the extent to which they are fit for the ordinary duties of a member of the Force. However, extension to service is not the same as recruitment, and this is important in considering an officer's suitability for extension. Applicants should not be refused an extension simply on the basis of not being able to carry out all the duties of a member of the Force. The final decision will depend on a role-related risk assessment.

6.11 Role related risk assessment

The role-related risk assessment should consider the above criteria in the context of the (potential) role the officer will be performing. When making a final decision on the suitability of an officer for an extension, consideration should be given to relevant factors including the description of proposed role, the capabilities required, reasonable adjustments that could possibly be made, the risks involved and options for the management of such risks.

6.12 Forces are reminded that they are required to make reasonable adjustments for officers with disabilities under the Disability Discrimination Act.

6.13 Medical Appeals

Any possible cases of this nature should be referred to the Chief Officer as part of the normal appeal process (Paragraph 5.13). The Chief Officer should then decide whether a medical appeal is required. A medical appeal will be allowed if an extension of service is refused solely on the basis of a medical and the officer contests this by producing another medical practitioner's opinion directly contradicting the opinion of the FMA. The appeal should in the first place be in the form of a review by

the FMA of his or her decision in the light of the fresh medical opinion. If the FMA declines to alter his or her opinion the case should be referred to a third medical practitioner agreed by the FMA and the other medical practitioner. Where the two cannot agree, the third practitioner will be selected by the Chief Officer of Police.

6.14 Workforce Planning

Previously, officers could postpone their compulsory retirement date by a maximum of 5 years. Under the new arrangements, there will be no upper limit on extensions to service: officers may be granted extensions based on the above criteria. While Forces should not impose a rigid structure on extensions, unless the officer has requested a shorter extension we would suggest an initial term of two years, as this strikes a reasonable balance between security of tenure and workforce planning considerations. It is important to ensure that an extension would not unduly hinder other officers' development opportunities. Similarly, this should be taken into consideration when **exceptionally** considering an officer on extension for redeployment.

6.15 Officers should give the Force an indication of how long they wish to extend their service by. Forces are reminded that the duration of an extension must be defined when granting the extension. Minimal adjustments to the duration of an extension can be made by mutual agreement once it has been granted. However, when proposing significant changes to the conditions of an extension, the procedure outlined in Paragraphs 5.1-5.7 should always be repeated.

6.16 Forces should ensure that same procedures are followed and criteria applied when considering "extensions to extensions".

6.17 Curtailment of Extension to Service

An officer can leave on notice in accordance with Regulation 14 of the Police Regulations 2003.

6.18 The power to remove officers from service apply equally to officers on extension as to other officers serving in the Force. The Police Regulations, the Police Pensions Regulations (including regulation A19 if applicable), the Police (Conduct) Regulations and the Police (Efficiency) Regulations can be applied to officers on extensions of service in the same way as any other officer. Nevertheless, the importance of a robust extension to service policy is emphasised.

6.19 Regulation A19 is applicable to officers with maximum accrued pension benefits. It is recommended that internal legal advice is sought before invoking this regulation.

6.20 Refusal to Grant an Extension of Service

Police Forces/Authorities should give a clear explanation for a decision to refuse an extension of service (please see Paragraph 6.5 for procedure).

6.21 Promotion Opportunities

Opportunities for promotion should apply equally to officers on extension as to other serving officers. Where an officer is promoted, there may be a need to review the previous conditions of the extension.

SECTION SEVEN: TRANSITIONAL ARRANGEMENTS

PLEASE NOTE THAT MINOR CHANGES HAVE BEEN MADE TO THIS SECTION SINCE THE ISSUE OF HOC 30/2006 ON 22 SEPTEMBER (PARAGRAPH 7.5).

- 7.1 There are transitional arrangements for officers whose CRD or postponed CRD currently falls between 1 October 2006 and 30 April 2007 inclusive. The concise guidance issued by the Home Office on 22 September 2006 (HOC 30/2006 set out immediate action required by Police Forces, including letters, response forms and FAQs for officers.
- 7.2 Officers should be informed that if they wish to leave before their new CRA they will have to give notice in accordance with Regulation 14 of the Police Regulations 2003).
- 7.3 Officers whose CRA remains unchanged or who have had their current CRD postponed to its maximum extent will need to apply for an extension if they wish to continue in service. The Force should contact these officers as a matter of urgency (as it will need to know their intentions as soon as possible. These officers should be given the opportunity to apply for an extension; they should be asked for a decision within one month of the date of the letter notifying them of the new arrangements, and their CRD should be set at three months from the date of the letter (unless it is three months or more into the future in any case).
- 7.4 Officers who a) have had their CRA extended to a date between October 2006 and April 2007 but whose CRA will be moved to a higher age on 1 October 2006, or b) whose CRA was due between October 2006 and April 2007 but will be moved to a higher age on 1 October 2006 will need to inform their Force if they still wish to retire in advance of their new CRA (even if they have previously had a CRD set) or continue in service until their new CRA.

Action to Take Where an Officer Elects to Retire

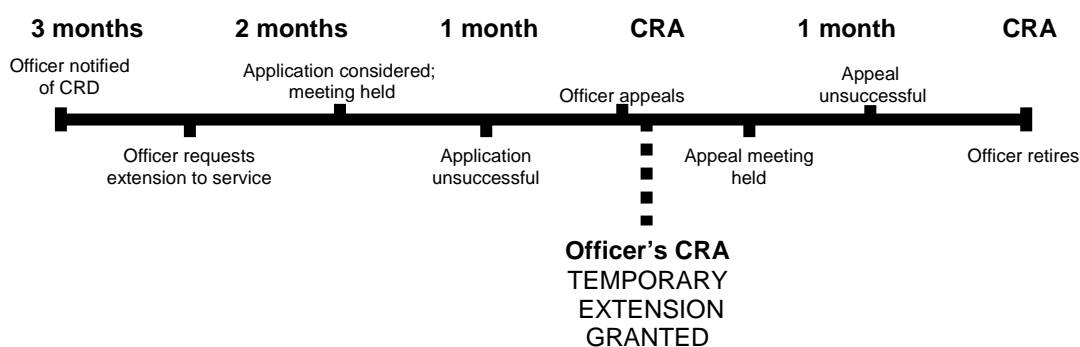
- 7.5 Arrangements should be made to retire the officer either on the day he or she was expecting to retire or as soon as possible after that. It may be necessary to defer the date of the Benefit Crystallisation Event (BCE) which would give the Force more time to complete the necessary checks of the amount of pension and lump sum he or she is to receive. **The likelihood of this should be minimised by contacting those officers with the earliest expected retirements on a high priority basis.** If a delay is unavoidable the officer should be informed. Paragraph 4.12 explains that during the transitional period any delay to the retirement of an officer who wanted to retire on his or her pre-October 2006 CRA or extended CRA should have the commutation factor for that CRA as the age next birthday applied to his pension.

Action to Take Where an Officer Elects to Stay On

- 7.6 Provided the officer has signed the form to state that he or she intends to stay on, no further action is necessary on the part of the Force since it will be for the officer to give notice in the normal way if he or she wishes to retire before his or her new CRA. Where an officer does not reply and it is therefore assumed he or she wants to stay on, we recommend that the Force sends a letter to the officer confirming the new expected retirement date (particularly during the transitional period). It may be prudent to also remind the officer of the need to give notice of retirement if he or she wishes to retire before his or her new CRA.

Action to Take Where an Officer Applies to Stay Beyond New CRA

- 7.7 With regard to applications for extensions beyond a new CRA the Police Authority or Chief Officer of Police will need to make at least an initial response to any application to stay beyond the new CRA. There should be very few such cases and it is suggested that a four-month extension of service be granted as an interim measure to enable the application to be considered in the light of the new procedures. While such requests need to be given due consideration, there will be no obligation to grant them and the suggestion of an extension as an interim measure need not be adopted where there are specific reasons for deciding against the extension,
- 7.8 A short-term extension may be necessary during the transitional period to enable the process to be completed fairly. There should be no need for such extensions after the transitional period. The timeline below shows how such a situation should be handled (again, an unsuccessful application is shown to demonstrate the appeal process).



SECTION EIGHT: IMPACT OF THE NEW ARRANGEMENTS ON THE 30+ SCHEME

- 8.1 The new CRAs apply to 30+ officers as they do to other officers in their rank. The only implication at this point for the 30+ Scheme is therefore that participants who would not have been able to serve beyond the maximum five-year extension to their pre-October 2006 CRA will from 1 October 2006 be able to be considered for a further extension of their service in 30+. The current maximum extension period of seven years for a 30+ appointment remains, however the Home Office is currently reviewing 30+ in the light of the Age Regulations and will issue updated guidance if necessary.

SECTION NINE: SPECIAL CONSTABLES

- 9.1 Special Constables are outside the remit of the Police Pensions Team. For further information, please contact Peter Brown on peter.brown1@homeoffice.gsi.gov.uk.

ANNEX A – NEXT STEPS

Enquiries

If you have any enquiries or require further information please use the Police Pensions Administrators' Forum* which can now be accessed through the Home Office Police pensions website at <http://police.homeoffice.gov.uk/human-resources/police-pensions/administrators/>.

However, for any queries which cannot be dealt with in this forum, please contact:

Rebecca Bradfield

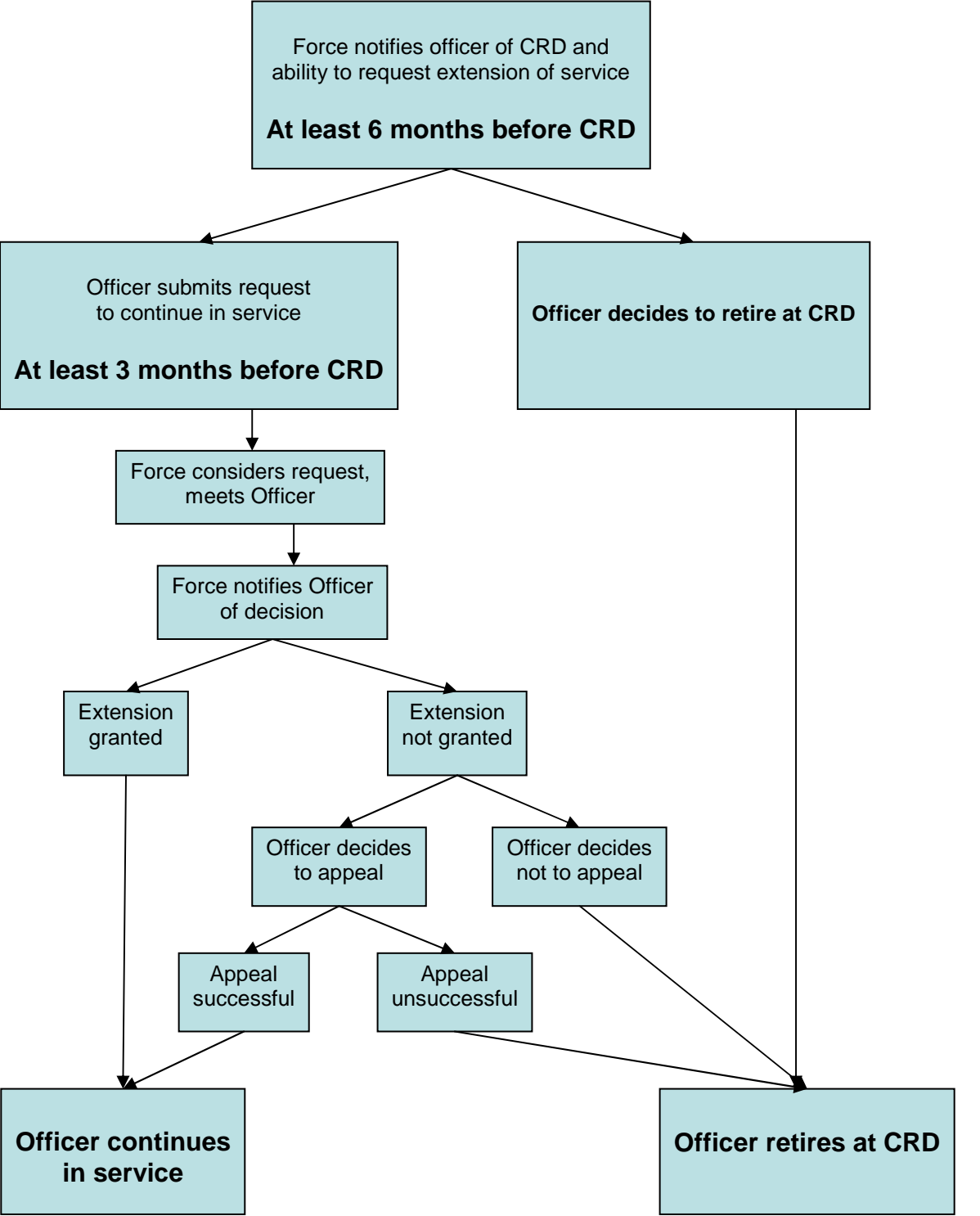
020 7035 1878/rebecca.bradfield@homeoffice.gsi.gov.uk

Police Pensions & Retirement Policy Section

Police Human Resources Unit, Home Office
6th Floor, Fry Building
2 Marsham Street
London
SW1P 4DF

* Pensions Administrators and HR Managers should have access to this forum. If you do not, please contact Anne Jones on 0207 035 1893.

ANNEX B – FLOWCHART OF THE NEW SYSTEM



ANNEX C – FLOWCHART OF THE PROCEDURE FOR CONSIDERING EXTENSIONS

