

**POLICE AND CRIME COMMISSIONER (PCC) FOR LINCOLNSHIRE  
REQUEST FOR DECISION**

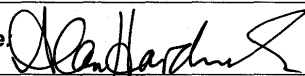
REF: 016/2013  
DATE: 28 June 2013

<b>SUBJECT</b>		<b>REGULATION A19 POLICY</b>
REPORT BY	DEPUTY CHIEF CONSTABLE	
CONTACT OFFICER	SARAH FARMER, HR CONSULTANT	
<b>EXECUTIVE SUMMARY AND PURPOSE OF REPORT</b> Current A19 Policy to be reviewed by the Police and Crime Commissioner (PCC).		
RECOMMENDATION	That the Commissioner affirms that the provisions of Regulation A19 be not utilised.	

**POLICE AND CRIME COMMISSIONER FOR LINCOLNSHIRE**

I hereby approve the recommendation above, having considered the content of this report.

Signature:



Date: 28/06/13

**A. NON-CONFIDENTIAL FACTS AND ADVICE TO THE PCC**

**A1. INTRODUCTION AND BACKGROUND**

1. Regulation A19 of the Police Pensions Regulations 1987 provides for the compulsory retirement of a police officer, (up to and including the rank of Chief Superintendent), on the grounds of efficiency of the Force, where the officer has accrued full pension entitlement. This will typically be after 30 years service, but may be prior to this where an officer has transferred benefits from a previous pension scheme. It also applies to those on the 30+ and 30++ schemes.
2. Lincolnshire Police Authority decided in 2011/12 not to operate the A19 policy and the recommendation is that the force continues to manage efficiencies without resort to A19.

**A2. LINKS TO POLICE AND CRIME PLAN AND PCC'S STRATEGIES/PRIORITIES**

3. The PCC has committed to maintaining police officer numbers in Lincolnshire.
4. For 2013/14, the Force is working towards maintaining an average strength of 1100 Officers and recruitment processes have been undertaken accordingly.

5. In order to ensure the provision of a resilient and effective force able to meet the needs of the policing requirements of the people of Lincolnshire, the force requires an appropriate balance of skills and experience and the ability to develop and support new officers, volunteers and Special Constables.

## **B. FINANCIAL CONSIDERATIONS**

Lincolnshire Police has taken significant action in the light of the Government Spending Review to manage its budget whilst continuing to provide effective and efficient policing services.

## **C. LEGAL AND HUMAN RIGHTS CONSIDERATIONS**

The A19 policy has proved to be controversial and the fairness of its application is currently being tested at the High Court in cases brought by Nottinghamshire, Bedfordshire, West Midlands, Devon and Cornwall, North and South Wales police officers on the grounds of age discrimination. Any consideration of the future use of A19 at Lincolnshire Police in the future should be informed by the outcome of the final rulings in these cases.

## **D. PERSONNEL AND EQUALITIES ISSUES**

See C. above

The general duty is set out in section 149 of the Equality Act 2010. In summary, those subject to the Equality Duty must have **DUE REGARD** to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

Employers have a statutory requirement to have **DUE REGARD** to the relevant protected characteristics shown below, whilst taking a common sense approach

- age
- disability
- gender reassignment
- marriage & civil partnership\*
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

\*marriage and civil partnership – the analysis applies only to the elimination of unlawful discrimination, harassment and victimisation.

Section 23 of the Equality Act 2006 allows the Equality and Human Rights Commission (EHRC) to enter into a formal agreement with an organisation if it believes the organisation has committed an unlawful act.

Under section 31 of the Equality Act 2006, the EHRC can carry out a formal assessment to establish to what extent, or the manner, in which a public authority has complied with the duty.

Additional guidance can be found by accessing the EHRC website: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

**E. REVIEW ARRANGEMENTS**

Review position in 2015, taking into consideration any policy changes made as a result of the current legal challenges.

**F. RISK MANAGEMENT**

The force has in place the appropriate financial management checks to ensure operation within budget and has generated the necessary efficiencies in response to spending cuts without resort to A19.

**H. PUBLIC ACCESS TO INFORMATION**

Information in this form along with any supporting material is subject to the Freedom of Information Act 2000 and other legislation. Part 1 of this form will be made available on the PCC's website within one working day of approval. However, if release by that date would compromise the implementation of the decision being approved, publication may be deferred. An explanation for any deferment must be provided below, together with a date for publication.

<p><b>Is the publication of this form to be deferred? No</b></p> <p><b>If Yes, for what reason:</b></p>  <p><b>Until what date:</b></p>
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Any facts/advice/recommendations that should not be made automatically available on request should not be included in Part 1 but instead on the separate part 2 form.

Is there a part 2 form? No

If Yes, for what reason:

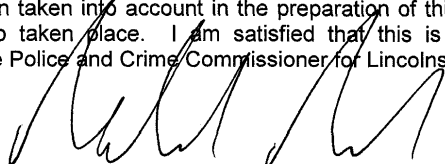
**ORIGINATING OFFICER DECLARATION**

	Tick to confirm
Originating Officer: DCC Alec Wood recommends this proposal for the reasons outlined above.	✓
Financial advice: The PCC's Chief Finance Officer has been consulted on this proposal.	✓
The CC's Chief Finance Officer has been consulted on this proposal.	✓
Monitoring Officer: The PCC's Monitoring Officer has been consulted on this proposal	✓
Chief Constable: The Chief Constable has been consulted on this proposal	✓

**OFFICER APPROVAL**

**Chief Executive**

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. Consultation outlined above has also taken place. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner for Lincolnshire.

Signature:  Date: 29/6/13