

Police Federation  
of England and Wales



Ffederasiwn Heddlu  
Lloegr a Chymru

Established by Act of Parliament

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THE NATIONAL SECRETARY'S OFFICE

14 June 2022

**BB CIRCULAR – 007-2022**

**To:** All Branch Board Chairs & Secretaries  
**Cc:** National Board, National Board Info and Branch Council Admin

Dear Colleague,

**COMPULSORY RETIREMENT AGES**

**Background**

Section 1(1)(c) of the Police Pensions Act 1976 provides that pension schemes established under that primary legislation would include provisions for when police officers were obliged to retire. Consequently, the regulations governing the Police Pension Scheme (PPS) 1987 at regulation A18 and the New Police Pension Scheme (NPPS) 2006 at regulation 19 imposed a compulsory retirement age (CRA).

In 2006, after due consideration of the impact of newly introduced equality legislation, new CRAs of 60 for federated ranks (from Constable up to and including Chief Inspector) and 65 for higher ranks were introduced with effect from 1 October 2006.

**What has changed?**

The establishment of the Police Pension Scheme 2015 (2015 CARE Scheme) is governed by different primary legislation, namely the Public Service Pensions Act 2013. This legislation, whilst providing for a Normal Pension Age (NPA) of 60 for officers, does not allow for the retention of CRAs. As a result, the regulations governing the 2015 CARE Scheme do not include any power to compulsorily retire an officer on the grounds of age.

In addition, unlike the two earlier pension schemes, there is no upper limit on pension accrual which means that officers remaining in service and pension scheme membership can continue to accrue further benefits

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past the formerly applicable CRAs. The absence of any maximum benefit accrual also means that retired officers who re-join service can accrue further benefit in the 2015 CARE Scheme.

### **Impact of change**

After 31 March 2022 the provisions of the regulations governing PPS 1987 and NPPS 2006 are no longer applicable to the ongoing service of officers, who will only be eligible to accrue benefits in the 2015 CARE Scheme. This therefore means that **with effect from 1 April 2022, forces should no longer be applying CRAs.**

### **Important points to note**

- The absence of a CRA in the 2015 CARE Scheme does not affect when members are able to access their pension benefits from any of the three police pension schemes.
- Officers who wish to continue in service after the previously applicable CRA do not have to make any kind of application to do so or commit to any specific length of further service.
- The NPCC agrees with PFEW's interpretation of the legislation and have issued an Advice Note to forces confirming that they should no longer be implying that officers should retire at the old CRAs, nor attempt to compel them to do so.
- PFEW have written to the Home Office seeking confirmation of the legal position but have yet to receive any response.

### **Possible Issues and concerns**

- If any forces are continuing to try and operate CRAs please contact me as soon as possible. The NPCC have confirmed that they will take action to stop any forces who are continuing to apply CRAs.
- If any officer has been compelled by their force to retire at their CRA since 1 April 2022, they should now be offered a chance to reinstate themselves in service from the date they were retired. If forces fail to do this, a C2 should be submitted to HQ.

If any forces place obstacles in the way of our members who wish to remain in service past their previous CRA, or seek to "encourage" older officers who can retire to do so (for example, by creating working environments that are less agreeable to them) there is potential scope for an age discrimination claim and a C2 should be submitted to HQ for consideration.

Yours sincerely



**ALEX DUNCAN**  
**National Secretary**