

# POLICE OFFICER RETIREMENT POLICY

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**NORFOLK**  
CONSTABULARY



**SUFFOLK**  
CONSTABULARY

## RETIREMENT (POLICE OFFICERS)

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## Legal Basis

### Legislation specific to the subject of this policy document:

- Police Pension Regulations [2015](#)

### Other relevant legislation which you must check this document against (required by law)

- Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
- Equality Act 2010
- Health and Safety at Work etc. Act 1974 and associated Regulations
- UK General Data Protection Regulation (UKGDPR) and Data Protection Act 2018
- Freedom Of Information Act 2000

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## **1. Statement of Policy**

- 1.1 Norfolk and Suffolk Constabularies (“the Constabularies”) recognise the benefit of a diverse workforce, including the valuable skills and experience of older officers and staff.
- 1.2 This policy sets out the administrative retirement arrangements for police officers. It also sets out the ill health retirement procedure.
- 1.3 Retiring officers are able to consider returning to the Constabularies as a serving officer. Details of this, including the eligibility criteria, are set out in the Re-engagement Policy. Officers should be aware that there may be tax implications upon re-engagement, or other employment following retirement. Neither the Constabularies nor the Police Pension Administrator (XPS) are registered to provide tax advice. Officers should therefore seek qualified independent financial advice where required.
- 1.4 The Constabularies are committed to ensuring this policy complies with relevant legislation and general principles of fairness and that consultation has been undertaken with all relevant staff groups. We may update our policies at any time following consultation with the Police Federation.
- 1.5 All our policies promote equality, eliminate unlawful discrimination and actively promote good relations regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, economic or family status. Managers have a specific responsibility to ensure the fair application of this policy and all officers and staff are responsible for supporting colleagues and ensuring its success.
- 1.6 The Constabularies will review this policy periodically to ensure that it reflects appropriate standards, continues to meet our needs and reflects any changes in legislation.
- 1.7 The People Director has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. Day-to-day responsibility for operating the policy and ensuring its maintenance and review has been delegated to the HR Managers, HR Delivery.

## **2. Applicability**

- 2.1 This policy applies to all police officers. The sections of the policy that refer to the Police Pension Scheme and associated provisions and benefits apply only to those who have membership.
- 2.2 Police staff should refer to the Police Staff Retirement Policy.

## **3. The Police Pension Scheme**

- 3.1 An officer joining the police force on or after 1st April 2015 will automatically be enrolled into the Police Pension Scheme 2015.

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- 3.2 Although membership of the scheme is automatic, it is not compulsory; an officer can elect to opt out at any time. Any officer who has opted out will be automatically re-enrolled into the scheme on the triennial staging date (the next date being 1<sup>st</sup> July 2026). Officers may however re-enrol into the scheme whenever they would like.
- 3.3 Under the Pension Remedy, officers who were members of the 1987 or 2006 police pension schemes and were moved into the 2015 scheme between 1 April 2015 and 1 April 2022, either immediately or later due to transitional protection, now have the option to choose which scheme they would prefer to receive benefits from for the remedy period (1 April 2015 to 31 March 2022). This means eligible officers can decide whether they want their pension benefits for that period to be based on their legacy scheme (1987 or 2006) or the reformed 2015 scheme.
- 3.4 To qualify for the Pension Remedy, officers must have been in pensionable service on or before 31 March 2012 and still serving on 1 April 2015, without a break in service of five years or more (known as a disqualifying break). Officers who were members of either the 1987 or 2006 police pension schemes will have been brought into the 2015 scheme on 1 April 2015, unless they had transitional protection, in which case they will have been brought into the 2015 scheme between 1 April 2015 and 1 April 2022.

## **4. Normal Pension Age**

- 4.1 As of 1 April 2022 there is no compulsory retirement age for police officers. Retirement ages for police officers were previously covered under Regulation A18 of the Police Regulations 1987.
- 4.2 Retirement age is not the same as Normal Pension Age (NPA) and it is now at the discretion of officers as to when they retire based on meeting the criteria of minimum pension age for the differing police pension schemes. The relevant NPAs are set out below for each scheme:
  - 1987 scheme benefits – after completion of 25 years' service and aged at least 50; or on completion of 30 years' service; or on attaining the former compulsory retirement age for their rank in place before October 2006;
  - 2006 scheme benefits – age 55;
  - 2015 scheme benefits – age 60 (available with actuarial reduction from age 55).
- 4.3 Officers are reminded that the pensions administrator, XPS Group, can explain the impact on pension benefits to support retirement decisions. XPS website link: [www.myownpension.co.uk](http://www.myownpension.co.uk)

## **5. Giving notice of retirement**

- 5.1 Officers are required to provide a minimum of one month's written notice of the date they intend to retire to their line manager. The manager must

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forward the written notice to People Customer Services. 'One month' is a full calendar month and the notice period runs from the day after that on which the notice was given. E.g. if an officer gives notice on 15th of the month, their last working day is 15th of following month.

- 5.2 Providing a longer notice period however will help ensure the officer receives their pension payments at the appropriate time. The police pension administrator, XPS, recommend giving 3 months' notice, but longer where possible.

## 6. Retraction of notice of retirement

- 6.1 Once an officer has given notice of their retirement (i.e. their resignation), they cannot retract this without the permission of the Head of People Services.
- 6.2 Any officer wishing to retract their notice must put their request in writing to their Head of Department/Area Commander. The Head of Department/Area Commander must consider the request and make a recommendation to the Head of People Services who will consider the overall organisational benefit and make a decision based on the merits of the case.
- 6.3 An officer who is considering a request to retract their notice should be aware that the process to issue their P45 cannot be reversed once the cut-off date for the monthly payroll run has passed. As the cut-off date is liable to vary each month, the officer should liaise with Payroll or People Customer Services so that they are aware of the date for the applicable month.

## 7. Retirement administrative arrangements

- 7.1 For officers who have given notice of retirement there are a number of administrative arrangements that need to be completed.

### Line Manager

- 7.2 On receiving written notice of an officer's retirement, the line manager must complete an on-line HR & Payroll Leaver's Form. This will send automatic notification to People Customer Services.
- 7.3 The line manager is also responsible for completing certain duties in line with retirement and/or resignation once contacted by People Services. This will include collecting uniform and equipment.

### People Customer Services

- 7.4 People Customer Services will:

- Send written acknowledgement and confirmation to the officer of their retirement date.

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- Send notification of the retirement to Payroll, who will send an instruction to the pension administrator confirming the officer's last day of service for calculation of pension benefits payable. The pension administrator will write to the officer's home address, detailing the pension payable including any options in respect of the lump sum entitlement.
- Check with PSD if there are any outstanding complaints, issues or investigations in progress and notify the relevant HR Advisor where this applies. Where this does apply, proceedings may continue as applicable in accordance with the relevant policy. Please also see section 8 below.

## Officer

- 7.5 The officer may be invited by the Chief Officer Team to be presented with whichever retirement certificate is applicable.
- 7.6 The officer is responsible for ensuring any outstanding annual leave/public holiday entitlement and TOIL is taken in accordance with the Leave and Time Off Policy ([link](#)).
- 7.7 The officer is also responsible for returning uniform and equipment to their line manager.
- 7.8 Additionally, the officer is responsible for ensuring that all TranSearch-indexed barcoded assets currently in their possession are transferred to their line manager and for updating location details within the relevant TranSearch record(s) upon transfer, where they are permitted to do so. If tracking has been kept up to date, hyperlinked details of such assets currently in the officer's possession will be shown under the 'My Location' area of their TranSearch Home page (officers should nevertheless still check for and transfer any TranSearch-indexed assets in their possession that are not shown in this area).

## **8. Retiring whilst under investigation – Police Barred List and Police Advisory List**

- 8.1 The [Police Barred List and Police Advisory List Regulations](#) were introduced in 2017 and are applicable to police officers who have been dismissed or are under investigation for conduct or performance reasons. The College of Policing has responsibility for holding and maintaining the Barred and Advisory lists.
- 8.2 The College of Policing will be advised of the names of officers who are dismissed from the Constabularies, whose names will be placed on the Barred List.
- 8.3 Officers can retire whilst under investigation however, investigations may continue post-retirement. The officer will be reported to the College of Policing for inclusion on the Police Advisory List pending a decision as to whether or not the conduct or performance related proceedings will

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continue as if the officer was still in service. If the proceedings will not continue or are withdrawn, the officer will be removed from the Police Advisory List.

- 8.4 Where the decision is made to continue with proceedings, which conclude in a finding that the officer would have been dismissed if still in service, the officer will be reported to the College of Policing for removal from the Police Advisory List and inclusion on the Police Barred List. Where proceedings conclude in a finding that the officer would not have been dismissed if still in service, they will be removed from the Police Advisory List.
- 8.5 Those who are included on the Police Barred List are not permitted to work in policing or law enforcement roles for the duration of their inclusion on the list. The appeal mechanism will be incorporated into the process. Any queries regarding the Police Barred and Advisory Lists should be referred to PSD.

## 9. Ill-Health Retirement

- 9.1 Officers with at least two years' service may be considered for ill-health retirement where it is considered that they may be permanently medically unfit for performing the ordinary duties of a member of the police force as determined under the Police Pension Regulations. Officers with less than two years' service may also be considered, however they will only be entitled to an ill-health pension where they are medically unfit due to injury in the execution of duty.
- 9.2 Ill-health retirement applications will be managed in line with Police Pension Regulations.

### Referral for consideration of Ill-Health Retirement

- 9.3 A request for consideration of ill health retirement may be force led or come from the officer. Where an officer makes a request, they will be required to produce evidence from their GP or other medical practitioner that they are permanently medically unfit. Before one of the Constabularies initiates a referral, reasonable efforts will be made to identify a suitable post that can be adjusted or that accommodates the officer. Any officer who wishes to make a request themselves can contact the Police Federation and their HR Advisor for assistance and guidance on how to do this.

### Force Medical Adviser (FMA) opinion

- 9.4 Following a referral, the FMA will be required to give their opinion as to whether they consider the officer may be permanently medically unfit. The HRA will facilitate presentation of the FMA opinion to the HR Manager along with any representations from the officer, in order for them to make a decision regarding referral to the Selected Medical Practitioner (SMP).

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## Referral to the SMP

- 9.5 The HRA will produce a case history report on the officer (this will include attendance history, any Limited Duties information, any other relevant employment information), and the HR Manager will be required to sign-off approval to proceed for consideration of ill-health retirement. The referral to the SMP will be completed by the FMA, taking into account the case history, and they will provide advice on the case and where possible a view on whether the officer may be permanently medically unfit. In complex cases, the FMA is not obliged to give an opinion on whether an officer is permanently medically unfit.
- 9.6 The referral to the SMP will consist of two parts:
- **Part One** – Medical background, including all relevant medical details, and case history (attendance history, information relating to Limited Duties and any other relevant employment information).
  - **Part Two** – FMA opinion, advice to the SMP on the issue of whether the officer is permanently medically unfit and an opinion on the case referred.
- 9.7 The FMA's opinion and any advice on capability will be included in the FMA report which the officer and the HR Advisor have access to. The officer may also request a copy of the medical background section.
- 9.8 The SMP will be asked whether the officer is medically unfit and if, in their opinion, this is permanent.

## Determining whether officer is permanently medically unfit – SMP

- 9.9 The SMP will usually be expected to examine the officer concerned as part of the process. The SMP will produce a report as follows:
- **Part 1:** Which will consider whether an officer is permanently medically unfit for the ordinary duties of a member of the force;
  - **Part 2:** Which will consider, where an officer is permanently medically unfit for the ordinary duties of a member of the force, whether they can undertake regular employment, and/or what their capability for retention in the force would be.

## Clarifications

- 9.10 Upon receipt of the SMP report, the HR Manager may seek clarification from the SMP if there are areas of ambiguity, if any obvious medical information is missing or if certain medical reports seem to have been overlooked. The SMP may be asked to confirm the medical evidence relied upon and why some medical reports may have been preferred over others.
- 9.11 The HRA will keep the officer informed if the further clarification is being sought.

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## Officer comments

9.12 Once clarifications have been sought from the SMP or if none are necessary, the officer will be provided with a copy of the SMP report, along with details of their right to appeal (in relation to whether they are medically unfit NOT capability for retention, although comments can be put forward).

9.13 Where the officer disagrees with comments made by the SMP, HR will consider the reasons given.

## Management comments

9.14 The HRA will also send the SMP report to the officer's senior manager to give them the opportunity to comment.

## SMP Decision – Permanently Medically Unfit

9.15 Where the officer has been assessed by the SMP as permanently medically unfit, the HRA will prepare a report for the DCC covering the following:

- an assessment of the officer's suitability for retention.
- an assessment of posts available including alternative posts and possible reasonable adjustments to these posts which would enable an officer to remain in service.
- a recommendation as to whether the officer should be retained.

9.16 The officer will be provided with a copy of the report and can comment on it within 28 days. Any comments made by the officer should be taken up by the DCC with a request for further comments within 14 days.

## SMP Decision – Not Permanently Medically Unfit

9.17 If the SMP does not identify that the officer is permanently medically unfit, there is no appeal by the officer, and all comments have been considered, the HRA (with advice from the FMA) will advise on the continuation of ongoing action and support required by the officer and their line manager on attendance and/or Limited Duties.

## Officer Appeals SMP Decision

9.18 The officer can appeal against the SMP's medical opinion on the statutory medical questions. The officer has 28 days to appeal following their receipt of the SMP report.

9.19 The officer will be advised of the requirement to submit a written statement on the basis of their appeal within 28 days following submission of their appeal. Any written statement should include which of the answers to the statutory medical questions the officer is dissatisfied with and the reason why.

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## Internal Review

9.20 The HR Manager and the officer can agree to refer a decision back to the SMP for reconsideration in order to resolve an issue without making a full appeal. Therefore, once an appeal has been received, consideration will be given to offering the officer a referral back to the SMP for reconsideration and, if the officer agrees the matter will be referred to the SMP. If the officer does not agree, or this is not offered, the appeal will be forwarded to the Police Medical Appeals Board.

9.21 Following agreement of an internal review, the SMP should issue a fresh report only where it will resolve the issue under dispute, otherwise the SMP should not issue a fresh report and the appeal against the original decision should proceed.

## Police Medical Appeals Board (PMAB) Process

9.22 An officer has a right of appeal to the PMAB if they are dissatisfied with any part of the decision of the SMP. Details of how to appeal will be outlined within a letter sent to the officer following receipt of the SMP report. An appeal will be heard by a board of medical referees whose purpose is to determine a medical appeal in a fair and authoritative way, with both parties given the opportunity to put their case fully.

9.23 Upon receipt of the board's decision HR will progress the officer's case accordingly. This will be either towards a decision on ill health retirement or to refer the case back to line management to continue with ongoing action and support with attendance and/or Limited Duties.

## Consideration of Ill-Health Retirement

9.24 Where the officer has been assessed as permanently medically unfit and once all the medical appeals processes have been exhausted (or if there are no appeals), the DCC will consider all the evidence, before reaching a decision on medical retirement. Key factors when considering this include:

- length of service still to serve;
- rank;
- the SMP's report and advice on the officer's capabilities;
- the HR/case history report, including any representations from the officer's senior manager.
- the officer's comments and whether the officer wishes to remain in the force.
- PMAB report as applicable.

9.25 The aim is to reach a decision on whether to ill-health retire the officer or retain their skills in line with the Limited Duties Policy, within 28 days of receipt of the last items of information received, unless there is reasonable justification otherwise, when all parties will be updated.

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## Ill-Health Retirement

- 9.26 Where the officer does not retire on the grounds of ill-health, they will be retained in that post and reviewed in line with the Limited Duties Policy accordingly.
- 9.27 If retention is not practicable, the officer will be retired on grounds of ill-health with 28 days' notice at full pay. They will be provided with details of the pension benefit they will receive.

## **10. Injury Awards**

### Injury pension and gratuity

- 10.1 Where an officer has sustained an injury in the execution of duty which was not their fault, and is subsequently medically certified as permanently disabled, they will be entitled to a police pension injury award in accordance with the Police (Injury Benefits) Regulations 2006 and any subsequent amendments.
- 10.2 There are two components to an injury award, a one-off gratuity and payment of a monthly injury pension. This is paid in addition to the officer's main police pension. (In addition a 'disablement gratuity' may also apply in certain circumstances – please see 10.12 below).
- 10.3 The amounts payable for the one-off gratuity and monthly injury pension are defined by a combination of the degree of disablement, the officer's average pensionable pay and their length of service.
- 10.4 An officer can only become entitled to this pension after leaving the force, however, they are not required to have been retired – they can retire and apply for an injury pension.
- 10.5 Either the officer themselves, or a Federation representative on their behalf, may apply for an injury award. If an officer, once retired, is considering applying for an injury award, they may wish to contact their Federation representative for initial advice. The officer may also contact HR Delivery for information on the application process.
- 10.6 Applications for injury awards should be made in writing by letter or by email to HR Delivery. Following receipt of an application, a report will be prepared by the HR Advisor. The HR Advisor will ask the former officer to complete a questionnaire to ensure appropriate information is gathered to inform the report.
- 10.7 Following completion of the report, a referral will be made via the Workplace Health team to the SMP. The former officer's consent will be requested in order for their medical history to be released to the SMP. No medical information will be released without their consent. As part of the assessment process the former officer may be requested to attend a medical examination with the SMP. The Workplace Health team will make all necessary arrangements as required.

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- 10.8 The SMP will consider whether the officer is disabled, whether the disablement is likely to be permanent, whether the condition suffered by the officer is the result of an injury received in the execution of duty, and the degree to which earning capacity may have been affected by its severity.
- 10.9 The officer will be updated at every stage of the process and every effort will be made to ensure their case is dealt with as quickly as possible.
- 10.10 Once the SMP's report is received by HR, a copy will be sent to the former officer and they will be provided with the opportunity to comment.
- 10.11 The SMP assessment will be sent to the DCC and any issues which require clarification will be addressed before the outcome notification is issued to the officer. The officer may appeal the outcome, or request for further information to be considered by the DCC, by writing to HR Delivery within 28 days as will be specified in the outcome letter.

## Disablement gratuity

- 10.12 The Police Pension Regulations makes provision for an additional gratuity in cases where an officer is/becomes totally and permanently disabled within 12 months of an injury on duty. The entitlement is to a further payment of the lesser of five years' average pensionable pay or four years' total remuneration.
- 10.13 Applications should be made as set out above and will be referred to the SMP for consideration of the specific issues accordingly. Where there is such an application for, the SMP will specifically consider whether the disablement is total, whether it is permanent, and whether it occurred within 12 months of the injury on duty.

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