

Please ask for : Polly Reed
Telephone Number: 0121 626 6060
wmpcc@west-midlands.pnn.police.uk



west midlands
police and crime
commissioner

Our reference: 2019-01115

Sent by email to: [REDACTED]
[REDACTED]

[REDACTED]

25 July 2019

Dear [REDACTED]

Thank you for your email dated 24 July 2019 in which you requested further information in relation to the police Pension Forfeiture Process (PFP). I will take each of your clarification points in turn.

Clarification sought: *The PCC has the responsibility to publish all decisions, as explained on your website, but according to your response 6 requests were made to the Home Office but only 3 decisions are reported on your website, namely 021-2018 Allan Richards, 002-2019 Tahsib Majid, and 003-2019 Wahid Husman. Please clarify the names of the 6 individuals corresponding to each of the dates forfeiture was requested from the Home Office, and please confirm the final outcome for each individual as decided by the PCC and relayed to the Home Office. Please clarify why the PCC has only selectively published some outcomes, which seems to be contrary to the PFP requirements.*

Please confirm the procedural timescale relating to decisions 002-2019 and 003-2019 (court convictions on 2nd October 2017), namely date referred by the Chief Constable to the PCC, date referred by the PCC to the Home Office, and date confirmation received from the Home Office, with PFP amount being decided by Thomas (Tom) McNeill, as acting Chair, on the 15th January 2019.

Response: The Commissioner publishes all pension forfeiture decisions, once those decisions are made. Of the six mentioned in this question:

1. Allan Richards - decision published 021-2018

2. Tahsib Majid

Referral from West Midlands Police - 11 September 2017. Application made to Home Office - 1 May 2018. Response received from Home Office - 24 September 2018. Decision published 002-2019 (15 January 2019)

3. Wahid Husman -

Referral from West Midlands Police - 11 September 2017. Application made to Home Office - 1 May 2018. Response received from Home Office - 24 September 2018. Decision published 003-2019 (15 January 2019)

4. Received from West Midlands Police on 28 September 2018. Application made to Home Office on 4 October 2018. No response yet received from Home Office, and therefore we are unable to provide more information on this application.

5. Received from West Midlands Police on 11 September 2018. Application made to Home Office on 4 October 2018. No response yet received from Home Office, and therefore we are unable to provide more information on this application.

6. Received from West Midlands Police on 11 January 2019. Application made to Home Office on 11 February 2019. No response yet received from Home Office, and therefore we are unable to provide more information on this application.

Additional Question: *It obviously was a very serious decision needed to be taken to further penalise corrupt police officers who had been dealing class A drugs and abusing police systems whilst on duty, over a period of 5 years plus, please advise where was David Jamieson on Tuesday 15th January 2019 and what status does Tom McNeil have within the OPCC, how many hours per week is he contracted and what is his rate of pay?
I am only trying to assess the appropriateness of the delegation, in the public interest.*

Response: On 15 January David Jamieson was primarily based in Lloyd House, Birmingham, undertaking a series of meetings and interviews. The Commissioner has used his powers under the Police Reform and Social Responsibility Act 2011 to delegate much of his functions with regard to Police Pension Forfeiture to Tom McNeill. Tom therefore acts on behalf of the Commissioner in this respect. The Commissioner retains responsibility for the final forfeiture decision, and in accordance with this, following its deliberations; the Group makes recommendations to the Commissioner.

Tom McNeil is Strategic Adviser to the PCC, and is a member of the Strategic Policing and Crime Board. Tom has a contract for his services, and is engaged to for an average of 20 days per calendar month. For further information on this, please see a previous FOI response, and decision notice which is published on the PCC website:

<https://www.westmidlands-pcc.gov.uk/freedom-of-information/published-freedom-of-information-documents/> (FOI response published in 2019 under the title of 'Strategic Adviser')

<https://www.westmidlands-pcc.gov.uk/archive/pcc-decision-019-2019-appt-of-apcc-and-strategic-adviser-nomination-of-dpcc/> (Decision notice for appointment to Strategic Adviser)

Clarification regarding FOI Q2: *please confirm that the police pension scheme consists of an officer paying a 35% contribution and the taxpayer (namely me) boosting the contributions by an additional 65%. If so, does the 65% come from central government or local funds? Obviously if the OPCC are authorised to make pension decisions they should be able to advise how the system works.*

Response: This information is not held by the Office of the Police and Crime Commissioner. The West Midlands Police (WMP) Pensions team may be able to provide you with assistance on this question.

Clarification sought: *regarding the 2 redacted decision notices released, this is a little pedantic observation but why have certain paragraph identifying numbers been redacted, this has been done deliberately but seems a very strange decision to implement.*

Response: This is a technical issue caused by the software used for redaction.

Freedom of Information Right of Appeal

Any person who has requested information from West Midlands Office of the Police and Crime Commissioner and is unhappy with the way their request for information has been handled can request a review of their case.

A request for review must be made in writing by letter or email to the Legal Advisor to the Police and Crime Commissioner. You should include the reference number of your request if you have it, and outline why you are requesting the review to:

The Legal Advisor
West Midlands Office of the Police and Crime Commissioner
Lloyd House
Birmingham
B4 6NQ
Telephone: 0121 626 6060

All requests for review will be recorded. Receipt of a request for internal review will be acknowledged and the appellant informed of an estimated date for determining the outcome. West Midlands Officer of the Police and Crime Commissioner will attempt to respond to internal reviews as soon as practicable and in any case within two months.

All investigations will be undertaken by the Legal Advisor.

The result of any internal review will be communicated to the appellant outlining the decisions taken. If you remain dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 08456 30 60 60 or 01625 54 57 45 Website: www.ico.gov.uk

There is no charge for making a request for internal review or appeal to the Information Commissioner.

Yours sincerely



 Jonathan Jardine
Chief Executive

