Home Office

The Police Pension Scheme 2015

Regulation 36 of the Police Pensions Regulations 2015 – prospecive changes

Government consultation 2026

This consultation begins on 20 August 2026

This consultation ends on 17 September 2026

About this consultation

To:	This consultation is open to the public for a period of 4 weeks. We are particularly interested to hear from interested parties from the policing sector.
Duration:	From 20/08/26 to 17/09/26
Enquiries (including requests for the paper in an alternative format) to:	PolicePensionConsultations@homeoffice.gov.uk **Regulation 36 of the Police Pensions Regulations Consultation – Prospective Changes** Police Workforce and Professionalism Unit Home Office 6th Floor, Fry Building 2 Marsham Street London SW1P 4DF
How to respond:	Please send your response by 17 September 2026 to: Email: **PolicePensionConsultations@homeoffice.gov.uk** Alternatively, you can respond using the online survey at: https://www.homeofficesurveys.homeoffice.gov.uk/s/QT8NCV/ If you are unable to use the online system, for example, because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email or post this to: **Regulation 36 of the Police Pensions Regulations Consultation – Prospective Changes** Police Workforce and Professionalism Unit Home Office 6th Floor, Fry Building 2 Marsham Street London SW1P 4DF

If you are unable to access an electronic version of the document, please write to the above address and a paper copy will be provided.

Response paper: A response to this consultation exercise will be published by the Home Office on gov.uk.

Contents

Introduction

When a member of the police pension scheme reaches their retirement age, they receive one of the most valuable pensions available in the United Kingdom. This reflects the unique nature of the police service and the responsibilities that society expects of police officers during their careers. The Police Pension Scheme 2015 applies to police officers in England and Wales and is administered locally by police forces. The Chief Constable serves as the scheme manager, with oversight from the Home Office.

Ill-health retirement benefits are a core part of the scheme. They provide financial protection to officers whose service ends prematurely because of permanent injury or illness. Given the significance of ill-health benefits to affected officers and to confidence in the scheme as a whole, access to these provisions must be administered lawfully, consistently and transparently.

As a public service pension scheme, the Police Pension Scheme 2015 must operate in line with public law principles, pensions legislation and equality law. For the purposes of a legal challenge in 2023, the then Home Secretary conceded that, in that case, the provision in Regulation 36(5) Police Pension Regulations 2015 contravened the non-discrimination rule in section 61 Equality Act 2010, by virtue of the said exclusion constituting discrimination within the meaning of sections 15 and 20 Equality Act 2010.

Consistent with the implications of that concession, the Home Office is now consulting on amending Regulation 36 of the Police Pensions Regulations 2015, having regard to duties under the Equality Act 2010.

The proposed changes outlined in this consultation will start the process to remove potential disability discrimination in the Police Pension Regulations 2015 in two stages:

1. the prospective stage being consulted from in this document
2. the retrospective stage for those members that have been affected by this Regulation may be consulted on in due course, depending on the outcome of this consultation.

Purpose of this consultation

Over a 4-week period, this consultation seeks views on the proposed removal of Regulation 36 of the Police Pensions Regulations 2015 and associated changes to member contribution arrangements. We must also review Chapter 4 Eligibility for payment of ill-health benefits (Regulations 35 to 42) as a whole, to assess the impact of removing Regulation 36.

This consultation is therefore asking four main questions.

1. Do you agree or disagree that Regulation 36 should be removed?

2. Do you agree or disagree that removing Regulation 36, and the reduced member contribution rates, achieves the aim of allowing all members to accrue ill-health benefit entitlement from the implementation date?

3. Do you think that removing Regulation 36 and the reduced contribution rates could lead to any unintended consequences in the future?

4. Do you believe that removing Regulation 36 could lead to any wider regulatory impacts across the Police Pension Regulations?

A second consultation will follow in due course to seek views on whether any changes should apply retrospectively to account for officers who have previously been affected by the operation of Regulation 36(5).

This consultation welcomes views from any member of the public but is specifically interested in the views of those serving or who have served in the police service, and any groups or individuals with an interest in the police sector in England and Wales.

A link to this consultation has been sent to the following groups:

- Police Federation of England and Wales
- Police Superintendents' Association
- Chief Police Officers' Staff Association
- Police Pension Scheme Advisory Board of England and Wales
- National Police Chiefs' Council
- Association of Police and Crime Commissioners
- National Association of Retired Police Officers
- Scheme Administrators

This consultation applies to England and Wales only. Police pension arrangements in Scotland and Northern Ireland are the responsibility of the devolved administrations and are outside the scope of this consultation.

Background

Regulations 35 – 42 of the Police Pensions Regulations 2015 relate to the eligibility for payment of ill-health benefits and the process in place for scheme managers.

Regulation 36 relates to the payment of ill-health benefits and outlines the eligibility for ill-health benefits at the point an officer is joining the pension scheme. Where an officer has a pre-existing medical condition, the scheme manager may require the officer to undergo a medical examination to determine their eligibility for, and potential exclusion from, the payment of ill-health benefits.

This exclusion applies when the risk that the officer will retire on grounds of permanent medical unfitness is assessed as disproportionately high, making the cost of providing them the benefits under the scheme excessively burdensome. As a result of this exclusion, the officer pays reduced pension contribution rates as they are unable to access ill-health benefits.

Alongside the removal of Regulation 36, this consultation is also concerned with the future operation of ill-health retirement provisions for all members. The proposal is to affect this through the removal of the reduced contribution rate, effectively putting all members onto the full contribution rate. Members who have been on the reduced contribution rate will start accruing rights to ill-health benefits from the date the proposed amendments come into effect. Any options for retrospection for these members will be considered as part of the second Regulation 36 consultation.

This provision does not apply to current accrual in any other public service pension scheme.

Regulation 36 of the Police Pensions Regulations 2015

The information below is regulation 36 as drafted. P is used in the sections as “person” or “police officer”.

Determination of eligibility for payment of ill-health benefits

36. –

1. This regulation applies in relation to the following persons—

    a) every new member of a police force in England and Wales;

b) every member of a police force in England and Wales who opts under Chapter 2 (automatic enrolment) to become an active member of this scheme.

2. This regulation does not apply to a person who, not more than 5 years before being appointed to a police force in England and Wales—

   a) was an active member of a police pension scheme; and

   b) was eligible under that scheme for payment of benefits on grounds of permanent medical unfitness.

3. Before P joins this scheme, the scheme manager may require P to submit to an examination by a selected medical practitioner in order that the scheme manager may determine P's eligibility under this scheme for payment of ill-health benefits.

4. If the scheme manager requires P to submit to an examination under this regulation, the scheme manager, by applying the opinion set out in the final medical report and advice from the scheme actuary, must determine whether the risk that P will retire on grounds of permanent medical unfitness ("the risk") is such that the likely cost of providing P with benefits under this scheme is disproportionately high.

5. **P is ineligible under this scheme for payment of ill-health benefits if the scheme manager determines under this regulation that the risk is such that the likely cost of providing P with benefits under this scheme is disproportionately high.**

6. If the scheme manager determines under this regulation that the risk is such that the likely cost of providing P with benefits under this scheme is not disproportionately high, P is eligible under this scheme for payment of ill-health benefits from the first day of pensionable service under this scheme.

7. A person to whom this regulation applies by virtue of paragraph (1)(b) must pay any fee charged for an examination or report under this regulation.

Ill-health benefit exclusion

Officers who are excluded from potentially receiving ill-health benefits in the future if they retire due to ill-health, currently pay reduced or lower contribution rates into the police pension scheme 2015. This does not impact their entitlement to regular pension payments that full paying members are entitled to upon retirement.

The initial policy intention of Regulation 36 was to address situations where the likely cost of providing ill-health retirement benefits to specific officers is deemed disproportionately high. The reduction to the employee contribution rate does reflect the whole cost of ill-health benefits, so a member could choose to make their own alternative provisions, for example, by contributing to a private pension scheme.

While the regulation serves the financial interests of the pension scheme, it must also be balanced with considerations of fairness. This is to ensure officers are not disadvantaged or excluded from accessing retirement benefits.

Following a legal challenge, the Home Office has identified a risk that excluding individuals from ill-health benefits on cost grounds may contravene the non-discrimination principles in the Equality Act 2010. In particular, sections 15 and 20 of the Act prohibit disability discrimination.

Removal of ill-health benefit exclusion

Police officers who joined the Police Pension Scheme 2015 and were medically assessed to be excluded from ill-health benefit provision paid a reduced contribution rate under Regulation 36.

Table 1: 2025 Police Pension Scheme member contribution rates as of 1 April 2026

Tier	Relevant Pay	Full member contributions rate	Reduced member contributions rate
1	£37,035 or less	12.88%	10.38%
2	More than £37,035 but less than £79,588	13.88%	11.38%
3	£79,588 or more	14.22%	11.72%

If the outcome of this consultation is to remove Regulation 36, the scheme manager would no longer be able to exclude officers from the potential of receiving ill-health benefits in respect of future accrual.

As a result, officers will no longer be able to pay reduced contribution rates, because they will instead build up entitlement to ill-health benefits under the police pension scheme. The table above shows the contribution rates that apply from 1 April 2026.

This means contribution rates would rise for officers who were excluded from ill-health benefits under Regulation 36 and currently pay reduced rates. In return, those officers would become entitled to ill-health benefits if they are unable to carry out their duties because of ill-health in future.

The removal of Regulation 36 will likely occur in two stages. This consultation is focusing on those police officers currently active and contributing to the pension scheme and how to address their contributions and access to benefits in the future (termed ‘prospective’ in this document).

Depending on the outcome of this consultation a second consultation may be launched to focus on retrospective remedies of affected police officers, including those who are no longer working and are drawing from the pension scheme.

Depending on the outcome of the consultation, regulatory changes are likely to be needed to remove Regulation 36 and the reduced contribution rate, set an implementation date for accrual of entitlement, and make any further consequential amendments needed to give effect to that entitlement.

What has been done prior to consulting?

In September 2023, instructions were issued to forces regarding new applications and ongoing applications or appeals within the Police Pension Scheme in England and Wales.

Until further notice and with immediate effect, the following measures were implemented:

1. Scheme managers were advised not to require applicants to undergo examinations by a Selected Medical Practitioner.
2. For cases where such examinations had already occurred:
    a. Eligibility for ill-health benefits should be determined in favour of the applicants, particularly regarding regulations 36 and 37.
    b. Any previous determinations of ineligibility under regulations 36 or 37 should be withdrawn if they had not yet taken effect.
    c. Appeals under regulations 40 and 41 should be decided in favour of the applicants.
    d. New members of the Police Pension Scheme should pay full member contributions without reductions provided for by regulations 38 and 107.

For applicants previously deemed ineligible and whose applications are no longer active, they continue to be treated as ineligible and pay reduced contributions until further notice.

It is on this aspect that a second consultation may be launched by the government in due course to seek views on what should be done about any retrospective changes to Regulation 36, subject to the outcome of this consultation.

Equality Considerations

The Home Office recognises its obligations under the Equality Act 2010 and the importance of ensuring that public service pension schemes operate in a way that is fair, inclusive and non-discriminatory.

An Equality Impact Assessment (EIA) will be undertaken alongside any proposed changes to Regulation 36. The assessment will consider the impact of both the current operation of the regulations and any proposed changes, with particular regard to the protected characteristics set out in the Equality Act 2010, and disability in particular.

The EIA will assess whether the current arrangements place certain groups at a disadvantage and whether proposed reforms would mitigate or remove those effects. It will also consider whether any unintended consequences may arise as a result of changes and how these could be addressed.

Respondents are invited to provide views and evidence on:

- the equality impacts of the current operation of Regulation 36, including Regulation 36(5);
- how the proposed reforms may affect disabled officers and other protected characteristics;
- whether any groups may be disproportionately affected by the options outlined in this consultation; and
- any additional equality considerations the Home Office should take into account when developing final proposals.

Responses will help inform the EIA, and the development of final policy proposals.

Consultation Questions

We would welcome responses to the following questions set out in this consultation paper. Noting that we may be consulting on any retrospective changes to Regulation 36 at a later date.

Q1. Do you agree or disagree that Regulation 36 should be removed?

Agree	Disagree	Neither agree nor disagree

Please give reasons for your answer.

Q2. Do you agree or disagree that removing Regulation 36 and the reduced member contribution rates achieves the aim of allowing all members to accrue ill-health benefit entitlement from the implementation date?

Agree	Disagree	Neither agree nor disagree

Please give reasons for your answer.

Q3. Do you think that removing Regulation 36 and the reduced contribution rates could lead to any unintended consequences in the future?

Yes	No	Don't know

Please give reasons for your answer.

Q4. Do you believe that removing Regulation 36 could lead to any wider regulatory impacts across the Police Pension Regulations?

Yes	No	Don’t know

Please give reasons for your answer.

Thank you for participating in this consultation.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (for example, member of the public)	
Date	
Company name/organisation (if applicable)	
Address **Postcode**	
If you would like us to acknowledge receipt of your response, please tick this box	☐ (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details and how to respond

Please send your response by 17/09/26 to:

PolicePensionConsultations@homeoffice.gov.uk

You can post your response to:

Regulation 36 Consultation
Police Workforce and Professionalism Unit
Home Office
6th Floor, Fry Building 2 Marsham Street
London SW1P 4DF

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available online at https://www.gov.uk/government/consultations/police-pension-scheme-2015-regulation-36

Alternative format versions of this publication can be requested from: https://submit.forms.service.gov.uk/form/265101/ask-for-a-document-in-a-more-accessible-format/8mvMuCBr

Publication of response

A paper summarising the responses to this consultation will be published by the Home Office and published on gov.uk.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation (GDPR) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

https://www.gov.uk/government/publications/consultation-principles-guidance

This publication is available at https://www.gov.uk/government/consultations/police-pension-scheme-2015-regulation-36

Any enquiries regarding this publication should be sent to us at PolicePensionConsultations@homeoffice.gov.uk