

report

meeting	NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE & RESCUE AUTHORITY	
	HUMAN RESOURCES COMMITTEE	
date	5 January 2007	agenda item number

REPORT OF THE CHIEF FIRE OFFICER

POLICY ON RE-ENGAGEMENT

1. PURPOSE OF REPORT

To propose a draft policy on “re-engagement on retirement” for those in the role of Firefighter or above as the basis for consultation with the appropriate representative bodies.

2. BACKGROUND

At its meeting on 7th October 2006 the Human Resources Committee recommended a policy of re-engagement, with abatement of pension benefits, for consideration by the Combined Fire Authority. The Combined Fire Authority, at its meeting on 8th December, supported the principle of re-engagement subject to the approval of a more detailed policy by the Human Resources Committee at its next scheduled meeting. This policy to be subsequently submitted for consultation with the representative bodies.

3. REPORT

The proposed policy on “re-engagement on retirement” is attached as Appendix 1.

The main features of the policy are summarised below:

- § Applicants must have reached the minimum retirement age (50) and have 30 years’ pensionable service or have reached their normal retirement age (age 55 or over), and have signified their intention to retire;
- § There is no automatic right to re-engagement, a decision will be reached on the basis of organisational need at the time of the application;
- § Decisions on re-engagement will be made at Principal Officer with advice being given by the Head of Human Resources;
- § Factor such as the applicant’s past work performance, skills, attendance record, conduct, current disciplinary or capability issues will be taken into account when considering the application. Due consideration will be given to any periods of disability related absence;
- § Any agreement will be conditional upon medical fitness;
- § Individuals who are retired from service on the grounds of ill health or with an injury award cannot be considered for operational roles;

- § Re-engagement shall be on the basis of a fixed term contract of periods of no less than 12 months and shall be reviewed annually by application. The total period of re-engagement, including all extensions, shall not exceed a maximum period of 3 years and 11 months;
- § The individual has the benefit of immediate access to their commuted lump sum and that proportion of their pension as abated. They will, if eligible to join the New Firefighter Pension Scheme, be able to accrue pension at a lower contributory rate (8.5%)
- § An appeal mechanism will apply where an application has been refused.

4. RISK MANAGEMENT IMPLICATIONS

There are no significant risks to the organisation associated with the adoption of this policy. The criteria by which each application will be assessed on an individual basis will provide a screening process to mitigate risk associated with absence, conduct, ill health and fitness issues. This will be supported by the policy of appointment on a fixed term basis.

5. FINANCIAL IMPLICATIONS

There are no additional costs to the Fire and Rescue Authority. Commuted lump sum and pension would have been payable in any case and there is no enhancement to pension. Employers contribution to the new scheme are lower than those in the FPS resulting in some savings in the pensions budget.

6. PERSONNEL IMPLICATIONS

Personnel implications are contained within the body of the report.

7. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment has been undertaken and is attached at Appendix 2.

8. RECOMMENDATIONS

That the draft policy on “re-engagement on retirement” be put forward for consultation with the appropriate representative bodies and with a view to implementation from 1st April 2007.

9. BACKGROUND PAPERS FOR INSPECTION

Minutes of the Human Resources Committee – 7th October 2006
 Minutes of the Combined Fire Authority – 8th December 2006

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NOTTINGHAMSHIRE FIRE AND RESCUE SERVICE

RE-ENGAGEMENT ON RETIREMENT POLICY

1 INTRODUCTION

- 1.1 The compulsory retirement ages for uniformed staff were removed from the Firefighters Pension Scheme (FPS) in November 2005 in order to comply with the Employment Equality (Age) Regulations 2006. This has resulted in a 'normal retirement age' of 55 years.
- 1.2 The introduction of the New Firefighter Pension Scheme (NFPS) in April 2006 has resulted in a different 'normal retirement age' of 60 years for its members. The changes in the Tax Regime for pensions has further opened up the possibility of either transferring into the new scheme to increase the potential maximum length of service before 'normal retirement age' or to join the new scheme after retiring under the old.
- 1.3 Nottinghamshire Fire & Rescue Service (NFRS) recognises that there may be occasions when it would be in the interests of efficiency to re-engage a uniformed employee who wishes to retire from the Fire & Rescue Authority on completion of 30 years' service or on reaching their 'normal retirement age'. Instances when it may be in NFRS's interest may include where staff possess skills, knowledge or experience that are unique or in limited supply, and where NFRS requires these skills, knowledge or experience in order to deliver e.g. projects or outcomes in the short-term. In these circumstances NFRS may wish to retain the services of these employees for specific/defined periods.

2 GENERAL CONSIDERATIONS

- 2.1 This policy explains the process for uniformed staff to apply for re-engagement on retirement where they have reached the minimum retirement age (50) and have 30 years' pensionable service or on reaching their 'normal retirement age' i.e. aged 55 or above.
- 2.2 This does not cover the process for applications for extension of service beyond 'normal retirement age'.
- 2.3 This policy also explains the criteria, which will be applied to applications and the terms and conditions on which re-engagements may be offered.
- 2.4 It should be understood that the requirements of the organisation and any changes to the organisational structure will always take priority in determining whether a vacancy is to be filled or not.

3 CRITERIA FOR CONSIDERATION OF APPLICATIONS

- 3.1 The following criteria will normally be applied for the consideration of approval of re-engagement on retirement after completion of 30 years' pensionable service or on reaching 'normal retirement age'. The individual must have signified their intention to retire in order to be in a position to draw pension benefits.
- 3.2 There is no automatic right to re-engagement, the decision will be made based on:
- a) Organisational need at the time of application.
 - b) Whether the individual possesses particular skills, knowledge or expertise that NFRS would find difficult to replace in the short term.
 - c) Whether the individual is involved in for example a time-bound project and whether NFRS considers it would be detrimental to the NFRS's efficiency for the individual to retire during the course of the project.
 - d) The individual's past work performance and conduct. Any outstanding disciplinary proceedings or disciplinary sanctions still valid will normally disqualify an application.
 - e) The individual's health:
 - Subject to any disability related or due to injury at work related absence, the individual's past level of attendance must be acceptable to NFRS. Any formal or informal action under the Managing Attendance policy in the previous three years will normally disqualify an application.
 - The individual must be found medically fit to continue in the role as determined by the Occupational Health Adviser.
 - Individual's retiring on the grounds of ill health, or with an injury award cannot be considered for operational roles.

4 APPLICATIONS

- 4.1 Uniform staff who are about to retire having achieved 30 years' pensionable service or having reached 'normal retirement age' as defined in the Firefighters' Pension Scheme.
- 4.2 Applications should be made in writing to their Group Manager or immediate line manager (for station manager and higher roles) after the individual has given notice of their intention to retire, but no later than 4 weeks before the date of the proposed retirement date. The application must be supported by the relevant line manager making a time-bound business case for the re-engagement lasting no longer than 3 years and 11 months and focussing on the completion of a piece of work or delivery of an output, or the training/up-skilling of other staff to take the employee's place.

5 DECISION MAKING PROCESS

- 5.1 Requests will be considered initially by the individual's group manager/line manager. Consideration will be given to whether, having regard to the criteria set out in paragraph 3.2, there is a special case and it would be in the interests of efficiency of NFRS that the individual be re-engaged.
- 5.2 Having considered the request for re-engagement, the line manager will provide a report to the ACFO (Safety Services) making a recommendation, with reasons, to either grant re-engagement (and if so, the length of the period of re-engagement) or to decline the individual's request.
- 5.3 The report must be submitted as soon as is reasonably practicable, following receipt of the written request from the individual. This will normally be within 10 working days of receipt of the application and a copy of the report should be copied to the individual.
- 5.4 The ACFO will give consideration to the factors outlined in paragraph 3.2 and provide a decision in writing, with reasons for the decision outlined to the individual and copied to the line manager. This will normally be provided within 10 working days of receipt of the report from the line manager.
- 5.5 Where the ACFO approves the re-engagement in principle, this agreement will be subject to the individual being certified fit to undertake the role by the Occupational Health Adviser.

6 APPEAL

- 6.1 An applicant, whose written application has been refused, may appeal to the Deputy Chief Fire Officer for a review of the decision. The individual will be invited to a meeting with the DCFO or other ACFO not involved in the previous decision within 5 working days, wherever possible, with the right to be accompanied by a trade union representative or work colleague.
- 6.2 The decision of the DCFO or ACFO will be communicated to the individual in writing within 5 working days of the appeal hearing and will be final

7 TERMS AND CONDITIONS

- 7.1 An individual who is offered re-engagement must have at least a four-week (28 day) break in service between leaving and re-joining Nottinghamshire Fire & Rescue. Previous service will not count towards continuous service for statutory or contractual purposes.
- 7.2 An individual will normally be re-engaged in a similar role as they hold on leaving and at the level of pay appropriate to that substantive role. They will not, however, remain on flexi-duty unless it is a specific requirement of the role or where resilience of cover across the County is an issue.
- 7.3 An individual who is re-engaged will be expected to serve at any suitable location appropriate to their role, skills, expertise and knowledge. This may not be the location at which they have served previously. The decision as to the location at which they will be re-employed will be based upon organisational needs.
- 7.4 The individual, who leaves and is subsequently re-engaged, will by virtue of terminating their membership of FPS be entitled to receive any commutation element of their pension. They will also be able to draw their accrued pension entitlement. This pension will, however, be subject to Rule K4 of the FPS which makes provision for the abatement of a pension payable under the FPS for any period during which the pensioner is employed as a regular firefighter with NFRS. This means that the annual rate of pay of a firefighter following re-engagement

plus the annual rate of FPS pension should not exceed the annual rate of pay as a firefighter received immediately prior to retirement.

- 7.5 On re-engagement, the individual could be eligible for membership of the NFPS provided that the person meets the membership criteria i.e. the role includes a requirement to engage in firefighting or attendance at other emergencies covered by sections 8 and 9 of the Fire & Rescue Services Act 2004. Otherwise consideration would need to be given on whether the person was eligible to join LGPS.
- 7.6 Any uniformed personnel re-engaged under this policy will be able to apply for promotion. However, it should be noted that if they are promoted during the period of re-engagement their pension will not increase to take account of this promotion.
- 7.7 Re-engagements shall be on the basis of a fixed term contract of periods of no less than 12 months. Renewal will not be automatic and will be subject to the process and criteria set out above, except that application to renew should be made not more than 90 days and not less than 30 days before the termination of the fixed term contract. In total, re-engagement shall not exceed 3 years and 11 months in total, inclusive of all extension periods.
- 7.8 Both parties must agree to the renewing of the contract. There is no entitlement to a renewal of contract.