

CHESHIRE FIRE AUTHORITY

MEETING OF: STAFFING COMMITTEE
DATE: 18TH SEPTEMBER 2019
REPORT OF: DIRECTOR OF GOVERNANCE AND COMMISSIONING
AUTHOR: ANDREW LEADBETTER

SUBJECT: RE-EMPLOYMENT AND PENSION ABATEMENT
POLICY

Purpose of Report

1. To provide Members with information about proposed changes to the policy on re-employment and pension abatement. This has been prompted by various issues that are reflected in this report and in other reports on the agenda. The changes are intended to provide some additional flexibility, further clarity where this is required and to incorporate changes in legal requirements.

Recommended: That;

- [1] the contents of the report be noted and the proposed changes to the policy be approved.

Background

2. In 2014 the Policy Committee approved changes to the Authority's policy on the re-employment of staff following retirement and pension abatement as a result of changes to the Firefighters Pension Scheme and HMRC Guidance on Protected Pension Age (PPA).
3. Since then, a small number of former employees have been re-employed primarily as on-call firefighters but also to roles in fire protection.

Information

4. The proposed changes to the policy are shown in red on Appendix 1.
 - Paragraph 1.1: For the avoidance of doubt, a definition of abatement is now included in the introduction to the policy.
 - Paragraph 4.1: Re-employment in this context is extended to on-call roles up to and including Watch Manager.
 - Paragraph 4.2: The 2015 FPS does not contain abatement provisions.
 - Paragraph 5.3: The policy requires the Authority to follow an open and competitive process in all cases. The amendment provides the Authority

with an alternative to this, in exceptional circumstances. Examples are provided.

- Paragraph 5.5 and 5.6: The Director of Transformation and the Head of Service Delivery can approve the re-employment of a retired firefighter to an on-call role up to and including the role of Watch Manager. For all other roles, the approval of the Staffing Committee is required.
- Paragraph 5.7, 5.8 and 5.9: The provisions from the National Framework have been added to the policy. Any decision concerning the re-employment of an Area Manager or above would need to be taken by the Fire Authority.
- Paragraph 6.4 and 6.5: There is a presumption that pension abatement will apply and only the Staffing Committee can agree not to abate.
- Paragraph 6.6: The National Framework requires the pension of a re-employed officer at Area Manager level or above to be abated on re-employment.
- Paragraph 6.12 and 6.13: Further information is provided about the rules on PPA.

Financial Implications

5. If pension abatement is not applied, the Authority will be required to pay an amount equal to the amount which should be abated into the pension fund.

Legal Implications

6. The rules on abatement are contained in Rule K4 of the FPS 1992 and Part 9 Rule 3 of the NFPS, as amended by the Firefighters Pension Scheme(Amendment) (No.2) (England) Order 2013.
7. Each Fire Authority should have a policy on abatement and how they will apply this to their employees.
8. The Authority must comply with the Fire and Rescue National Framework and the amendments to the policy incorporate these requirements.

Equality and Diversity Implications

9. There are none.

Environmental Implications

10. There are none.

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BACKGROUND PAPERS: NONE