

CHESHIRE FIRE AND RESCUE SERVICE

MEETING OF: STAFFING COMMITTEE
DATE: 23 JUNE 2021
REPORT OF: DIRECTOR OF TRANSFORMATION
AUTHOR: SENIOR HR BUSINESS PARTNER

SUBJECT: RE-EMPLOYMENT AND PENSION ABATEMENT POLICY

Purpose of Report

1. To allow Members to consider an amended Re-employment and Pension Abatement Policy.

Recommended: That

- [1] the report be considered and the revised Re-employment and Pension Abatement Policy be approved.

Background

2. The 'Re-employment and Pension Abatement Policy' was last reviewed in September 2019 when a report was considered by the Staffing Committee. In the light of experience and following informal discussions with Members a revised Policy had been prepared.

Information

3. The current policy requires decisions on the re-employment of retired officers to be made by the Staffing Committee unless the individual is applying for an On Call Firefighter position, in which case the re-employment can be approved by the Director of Transformation and the Head of Service Delivery.
4. The revisions to the Policy remove this requirement and enable the re-employment of retired officers into new roles without Member approval. However any such re-employment would be on the basis that the following criteria have been met:-
 - An open recruitment process has been undertaken
 - The individual is the best candidate at the end of the recruitment exercise
 - The individual would accept all terms of re-employment, including abatement if applicable

- The individual has had the required break in service
 - The individual is not a Principal Officer (either a Brigade Manager or an Area Manager)
5. In order to ensure that the above criteria are met, it will be necessary to review and update recruitment processes. This would ensure that issues relating to Protected Pension Age (PPA) and Abatement are flagged, and that individuals understand their responsibilities and liabilities.
 6. The revised policy has one clear exception to the requirement for an open recruitment process, where:-
 - Retired wholetime or on call operational staff are seeking re-employment to an on call role at the same rank
 7. In addition the policy also enables the Service, subject to approval from the relevant Brigade Manager and the Director of Transformation, to re-employ a retired officer without an open recruitment process in other limited circumstances, these being:-
 - Where an individual is required to complete a project, or a specific task and is engaged on a temporary basis of less than two years
 - Where an individual is required for operational effectiveness
 - Where an individual has critical skills and/or core knowledge that is not widely available and is engaged on a temporary basis of less than two years
 8. This version of the policy also makes it explicitly clear that the Service will not consider the re-employment of anyone who has previously been made redundant by the Service.
 9. The revised policy does not propose any changes to the breaks in service that operational officers will be required to have in order to avoid any PPA issues, and will require anyone to whom PPA may apply to provide the Authority with written confirmation that they have taken tax advice before an offer of re-employment is confirmed.
 10. Further the revised policy re-iterates the current requirement for abatement to apply in all cases except where Members agree that this need not be applied.

Financial Implications

11. 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

12. 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.
13. Each Fire Authority should have a policy on abatement and how they will apply this to their employees.

Equality and Diversity Implications

14. Re-employment of retired officers is unlikely to assist the Service's aim to increase the diversity of its workforce.

Environmental Implications

15. There are none.

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BACKGROUND PAPERS: NONE