

REPORT REFERENCE NO.	PC/21/8
MEETING	PEOPLE COMMITTEE
DATE OF MEETING	14 OCTOBER 2021
SUBJECT OF REPORT	APPLICATION FOR RETIREMENT & RE-EMPLOYMENT
LEAD OFFICER	Deputy Chief Fire Officer
RECOMMENDATIONS	<i>That the application for retirement & re-employment as identified in paragraph 2.3 of this report be approved.</i>
EXECUTIVE SUMMARY	The Authority has an approved Pay Policy Statement for 2021-22 (as amended) in accordance with the requirements of the Localism Act 2011 and which sets out the arrangements for consideration of any requests for re-employment of employees following retirement. This report sets out specific requests for approval from one operational member of staff.
RESOURCE IMPLICATIONS	None.
EQUALITY RISK & BENEFITS ASSESSMENT	The Retirement & Re-Employment Policy has had an equalities impact assessment.
APPENDICES	Nil
BACKGROUND PAPERS	DSFRA Pay Policy Statement for 2021-22 (as amended)

1. **INTRODUCTION**

- 1.1. The Authority's Pay Policy Statement for 2021-22 (as amended) sets out the arrangements for consideration of any requests for re-employment of employees following retirement. The re-employment of any employee (up to Area Manager or non-uniformed equivalent) who has retired will be subject to approval by of the Human Resources Management and Development Committee (the Committee).
- 1.2. The Pay Policy Statement sets out that the Authority will, in principle, allow the re-employment of employees who have retired, subject to a break in service of at least one month, because it is recognised that this often represents an effective way of retaining specialist knowledge and skills without any increase in cost to the Authority (and noting that costs to the Pension Scheme are no more than would be the case for normal retirement).
- 1.3. The Pay Policy Statement also notes that the Fire and Rescue National Framework for England, published by the Home Office in May 2018, sets out that "fire and rescue authorities must not re-appoint principal fire officers after retirement to their previous, or a similar, post save for in exceptional circumstances when such a decision is necessary in the interests of public safety". In this context, Principal Officers refers to those officers at Area Manager and above, or those with comparable responsibilities to those roles. The Fire and Rescue National Framework also states that fire and rescue authorities will "have regard to this principle when appointing at any level".
- 1.4. For staff within the Local Government Pension Scheme, where an individual is re-employed on the same terms and conditions as previously, the same abatement rules as apply to those within the Fire Fighters Pension Scheme will be applied. However, the Authority's policy on Pension Discretions refers to flexible retirement and states that this "may be subject to abatement during such time as the individual remains employed by the Service". This allows the Authority to use flexible retirement opportunities where key employees may wish to continue working as they get older but step down in grade or reduce their working hours. This can be beneficial to the Authority in retaining key skills, knowledge and experience whilst also reducing costs.
- 1.5. With this in mind and taking account of the National Framework provisions, the Authority has agreed the following approach in relation to requests for re-employment following retirement, subject in each case to an approved business case:
 - (a). the Chief Fire Officer has delegated authority to approve such requests up to and including Watch Manager level (or non-uniformed equivalent posts);
 - (b). the People Committee has delegated authority to approve such requests for Station Manager up to and including Area Manager level (or non-uniformed equivalent posts); and

- (c). the approval of the full Authority is required for the re-employment, following retirement, of any post-holder at Brigade Manager (or equivalent non-uniformed) level i.e. in effect, any member of the Service Executive Board (the Chief Fire Officer, Deputy Chief Fire Officer, Assistant Chief Fire Officers, Director of Governance & Digital Services and Director of Finance and Resourcing). Such approval will only be granted in exceptional circumstances where the re-appointment is necessary in the interests of public safety. The rationale for the decision (together with any alternative approaches considered but deemed not appropriate) must be published.

1.6. The Service’s Executive Board has considered the application for retirement and re-employment set out within paragraphs 2.2 of this report and considers that the requests are beneficial in helping to retain key skills whilst seeking to bring in new staff through a planned succession process. The request for retirement and re-employment is therefore submitted to the People Committee for approval in accordance with paragraph 1.5.(b) above.

2. RETIREMENT AND RE-EMPLOYMENT

2.1. The Service policy on retirement & re-employment is linked to workforce planning arrangements. Retirement and re-employment provides us with certainty for the leave date for these employees whilst at the same time providing a suitable rate of staff turnover. It also provides a transition for the employee from full employment into retirement.

2.2. An application has been received from an Area Manager responsible for the Community Risk Management Plan (CRMP) for retirement and re-employment on a zero hour contract. The CRMP planning and consultation is entering a critical period and the Area Manager has been driving this work for the past 12 months and has a deep understanding of the process. A new Area Manager has been moved into this role and is getting up to speed, however, they are also responsible for the Service’s Covid response and the inspection by Her Majesty’s Inspectorate of Constabulary & Fire & Rescue Services (HMICFRS) so capacity for the next few months will be stretched. Re-employing the retired Area Manager will give consistency and resources for the CRMP consultation and resulting plan during this busy period that coincides with the HIMICFRS visit and resulting report and the suspected increased pressure over the winter due to Covid 19. The retired Area Manager would return on the same pay grade (minus the flexi-officer allowance as they would not be operational) on a zero-hours contract for up to 12 months.

2.3. The requests for retirement and re-employment are as summarised in the table below:

Role	Position	Station/Dept.	Decision
Area Manager	CRMP Manager	Service Headquarters	FTC for up to 1 year on a zero hours contract from November 2021

- 2.4. This applications give the Service certainty as to leaving dates, supports the natural turnover of staff and enables the Service to succession plan for the future.

JOE HASSELL
Deputy Chief Fire Officer