

Hampshire Fire and Rescue Authority

Retired Firefighters Re-employment, Re-engagement and Pensions Abatement Policy

Scope	<p>Re-employment – HFRA will permit retired employees to apply for vacancies, through an open recruitment process, provided the role is fundamentally different from the post from which they retired. Where there is doubt, advice will be sought from the Director of Professional Services (in liaison with the HR Business Partner).</p> <p>Re-engagement – Only in very exceptional circumstances will a retired employee be temporarily re-engaged (up to a maximum of 12 months with no further re-engagement beyond this), into the role they were undertaking prior to their retirement and only with the express agreement with the Chief Officer, in consultation with directors.</p> <p>RDS – Retired employees may undertake an RDS role, providing they meet the required criteria, irrespective of whether or not they were undertaking this role immediately prior to retirement.</p> <p>This policy applies to all HFRA employees and retired staff coming from other public sector employments.</p>
Policy outcomes	<p>The aims of the policy are to:</p> <ul style="list-style-type: none">• provide information to individuals thinking about paid employment post-receipt of their pension• define the pension abatement rules• set out the potential implications of re-employment for individuals in the 1992 Firefighters Pension Scheme who retire with a Pension Protection Age (PPA) between the ages 50-55.

Re-employment and Re-engagement

<p>Undertaking an RDS role post-retirement</p>	<p>Undertaking an RDS role at the time of retirement If the employee has multiple Grey Book contracts (including RDS) at the time of employment, the employee must resign from all those contracts (including the RDS role) and there must be a clear gap of a calendar month and a day. The individual can re-join as an RDS employee after one calendar month and 1 day has elapsed (linked to tax rules) and only requires the agreement of the Group Manager.</p> <p>Not undertaking the role of RDS at the time of retirement If the individual wishes to become an RDS employee following retirement and was not in this role at the time of retirement, they must apply for any RDS vacancies, through the normal recruitment procedure. There must still be a gap of a minimum one calendar month and 1 day before employment starts.</p>
<p>Re-employment in a substantially different role, post-retirement</p>	<p>All recruitment will be through an open-recruitment process as and when vacancies arise and the successful candidate will be paid in accordance with the terms and conditions of the role.</p>
<p>Re-engagement</p>	<p>Members of the Firefighter`s pension scheme (excluding Brigade managers)</p> <p>Temporary re-engagement may very exceptionally be agreed when:</p> <ul style="list-style-type: none"> • a post has been advertised internally and externally; it has not been possible to fill it as a result of a lack of skills / experience / knowledge and; the role is considered essential to the delivery of the service and the retiree has the skills, knowledge and experience needed. • an individual is working on a particular project at the point of retirement, which is near to completion, and their skills and knowledge are needed to complete the project. <p>Any decision to temporarily re-engage must take into account previous work record, skills, qualifications, experience, fitness,</p>

	<p>attendance.</p> <p>A temporary re-engagement will not exceed a total of more than 12 months. There will be no further period of re-engagement.</p> <p>On these occasions the Chief Officer, in consultation with directors, must agree to the temporary re-engagement before any offer is made.</p> <p>Brigade managers</p> <p>Any temporary re-engagement of a Brigade Manager, should be:</p> <ul style="list-style-type: none"> • exceptional • agreed by the Authority by way of a vote of the elected members of HFRA • in the interest of public safety <p>Where HFRA temporarily re-engages a Brigade Manager, they should publish the reason for this</p> <p>The Brigade Manager`s pension will be abated during the period of temporary re-engagement</p> <p>The Chief Officer will keep a record of any re-engagements agreed and the reason for this.</p>
<p>No automatic right to temporary re-engagement or re-employment</p>	<p>There is no automatic right to temporary re-engagement or re-employment following retirement, consequently, there is no right of appeal.</p>
<p>2006 & 2015 Schemes - Break in service before RDS, re-employment or temporary re-engage can start</p> <p>1992 Scheme - Break in service and other important info. for Scheme members</p>	<p>2006 and 2015 Pension Scheme</p> <p>For retirees in the 2006 and 2015 Firefighter`s Pension Schemes a break of one month is needed (HFRA require one calendar month and 1 day).</p> <hr/> <p>1992 Pension Scheme</p> <p>From 6 April 2010, retirees in the 1992 Firefighter`s Pension Scheme who retire between the ages of 50-55 and have achieved a minimum 25 years at the time of retirement receive a</p>
<p>HFRA Firefighters Re-employment, Temporary Re-engagement and Pensions Abatement Policy – Draft 4 – 24 Feb. 2017</p> <p style="text-align: right;">Page 3 of 6</p>	

	<p>PPA (personal protection age) from HMRC. In order not to break the PPA and incur significant tax penalties on both the pension and lump sum when carrying re-employed or temporarily re-engaged, a number of conditions must be met:</p> <p><i>There must be:</i></p> <ul style="list-style-type: none"> • At least 6 calendar months’ break in service from the same employer, sponsoring employer* or anyone connected with the employer, or • At least 1 calendar month and 1 day’s break in service from the same employer,(or sponsoring employer*, or anyone connected with the employer); and either <ul style="list-style-type: none"> ○ The new employment is materially different from the previous employment (legislation is silent on the definition of “materially different” and HMRC advise that the normal meaning should be applied. FPS Guidance note 1/2010; or ○ The Scheme rules provide for abatement (<i>which the HFRA Pension Scheme does and we are advised by HMRC that this satisfies the abatement requirement</i>); or ○ Is re-called by the Armed Forces <p><i>*HFRA’s interpretation of a “sponsoring employer” in this context is the relevant employing authority, whether a fire and rescue authority or county council.</i></p> <p>The 1992 firefighter’s pension payments will be abated if the new salary and pension exceed the salary they were on at the point of retirement.</p> <p>Those with PPA are responsible for obtaining their own independent advice on tax and other financial implications of re-employment. They must write to confirm they have taken independent advice. HFRA will not accept liability for tax or other financial charges incurred by individuals.</p> <p>Whether abatement is actually applied is not material. Under Rule K4 of the FPS, a Fire Rescue Authority has the discretion to abate where a person entitled to a pension is employed as a regular Firefighter</p>
Effect of break in	Taking the required break before being re-employed or

service on terms and conditions	<p>temporarily re-engaged will break all previous continuous service for annual leave / sick leave / CPD and other key terms. Pay and terms and conditions will be in accordance with the normal rules for a new starter.</p> <p>The individual will be entitled to join the 2015 Firefighters' Pension Scheme or the Local Government Pension Scheme depending on the role they are in and provided they meet the membership criteria.</p>
Support	<p>Queries should be directed to your line manager, in the first instance.</p> <p>Trade union or professional association representatives may provide additional support to their members.</p>
Roles and Responsibilities	<p>Firefighters Pension Board – The role of the Pension Board is to assist the Scheme Manager in complying with the scheme regulations, all legislative requirements and with any matters imposed by the Pension Regulator; making sure the scheme is being effectively and efficiently governed and managed.</p> <p>Senior HR Business Partner – has overall responsibility for ensuring the policy is up-to-date and in-line with employment / pensions legislation.</p> <p>Line managers, Human Resources, Trade Union Representatives are responsible for providing guidance to employees on the application of this policy.</p> <p>Firefighters – considering re-employment/ re-engagement within a local government setting are responsible for obtaining their own independent advice on tax and other financial implications of re-employment. HFRA will not accept liability for tax or other financial charges incurred by individuals.</p>

Policy Governance

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Potential Equality Impact Assessment	medium