



Home Office

Re-engagement of Senior Fire Officers Post-retirement Government consultation

This consultation begins on 21 February 2017.

This consultation ends on 4 April 2017.

About this consultation

To:	Fire and Rescue Authorities and representative bodies
Duration:	From 21/02/17 to 04/04/17
Enquiries (including requests for an alternative format) to:	Alan Turnbull Home Office 2nd Floor, Fry Building, North West, 2 Marsham Street, London, SW1P 4DF Tel: 0207 035 3558 Email: FRSComms@homeoffice.gsi.gov.uk
How to respond:	You can submit your responses to the consultation by using the online form http://www.homeofficesurveys.homeoffice.gov.uk/s/M00Q0/ or in hard copy, by 4 April 2017 to: Harinder Sahota Home Office 2nd Floor, Fry Building, North West, 2 Marsham Street, London, SW1P 4DF Tel: 0207 035 3478 Email: FRSComms@homeoffice.gsi.gov.uk
Response paper:	A response to this consultation exercise is due to be published by 21/05/17 at: https://www.gov.uk/government/publications?publication_filter_option=consultations

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Introduction

This paper sets out for consultation a change to the Fire and Rescue National Framework on the issue of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles. This consultation proposes that an addendum to the National Framework is added to explicitly discourage this practice. The consultation is aimed at fire and rescue authorities and representative bodies in England but views from the wider community would be welcome.

Copies of the consultation paper are being sent to:

Chiefs and Chairs of all Fire and Rescue Authorities in England

Local Government Association

Chief Fire Officers' Association

Association of Principal Fire Officers

Fire Officers' Association

Fire Brigades Union

Retained Firefighters' Union

However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

The proposals

1. The Home Office is consulting on changing the Fire and Rescue National Framework (the National Framework) on the issue of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles. This consultation proposes that an addendum to the National Framework is added to explicitly discourage this practice. The consultation is aimed primarily at fire and rescue authorities (FRAs) and unions but views from others would be welcome.
2. Under section 21 of the Fire and Rescue Services Act 2004, the National Framework must set out priorities and objectives for FRAs in connection with the discharge of their functions; may contain guidance to FRAs in connection with the discharge of any of their functions; and may contain any other matter relating to FRAs or their functions that the Secretary of State considers appropriate. Under the Fire and Rescue Services Act 2004, FRAs must have regard to the National Framework in carrying out their functions.
3. The Home Office is aware of a number of senior fire officers retiring and then being re-appointed into the same or a similar post. By doing this they can access up to a quarter of their pension as a tax free lump sum and cease to pay employee pension contributions. This practice seems to occur primarily amongst senior officers, commonly Chief Fire Officers (CFOs), who either make arrangements with an FRA to retire and then be re-appointed, or retire and apply for a post they've previously held (or one that is similar).
4. This practice, which mostly affects members of the Firefighters' Pension Scheme 1992 (the "1992 Scheme") is usually dependent on the employing FRA agreeing to re-appoint the senior fire officer into post and accordingly stokes a perception that there is one rule for rank and file firefighters, who obey the spirit of the pension regulations, and another for those at the top who are able to circumvent the intention of the regulations.
5. The introduction to the National Framework states that in demonstrating their accountability to communities for the service they provide, FRAs need to provide assurance to their communities and to Government, on financial, governance and operational matters and on national resilience capability. The National Framework also requires that FRAs must have arrangements in place to ensure that their decisions are open to scrutiny (paragraph 2.5) and to ensure that communities can access data and information on their performance. This includes publishing pay policy statements (paragraphs 2.8 and 2.9). The Department for Communities and Local Government issued guidance on openness and accountability in local pay to ensure that authorities explain policies where it could appear that the public sector is paying an individual twice – through salary and a pension – for doing the same job

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(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5956/2091042.pdf). However, further action is needed and currently there is nothing specific in the National Framework to discourage the practice outlined above.

6. This practice has generated considerable public interest and has the potential to damage the trust between regular firefighters and senior officers. In response to these concerns, the Government proposes to revise the National Framework to include guidance to FRAs, making it clear exactly what is expected of FRAs, namely:
 - FRAs 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.
 - Any such appointment must be transparent, justifiable and time limited.
 - In the exceptional circumstance that a re-appointment is necessary in the interests of public safety, this decision should be subject to agreement by a vote of the elected members of the fire and rescue authority, or a decision by the appropriate elected representative of the fire and rescue authority.
 - FRAs must publish the reason why the re-appointment was necessary in the interests of public safety and alternative approaches were deemed not appropriate.
 - The officer's pension must be abated until they cease to be employed by a FRA.
 - All principal fire officer posts must be open to competition nationally.
7. Revisions to the National Framework which appear to the Secretary of State to be significant can only be made after consultation. We would value comments on the proposed addendum to the National Framework.

National Fire Framework – Draft text for addendum

The re-appointment of principal fire officers¹ to the same or similar posts, a short time after they have retired, has caused concern in recent years. These individuals very often receive their pension benefits on retirement (such as their tax free lump sum) and then return on favourable terms, including an increase in take-home pay through avoiding paying employee pension contributions.

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. Any such appointment must be transparent, justifiable and time limited.

In the exceptional circumstance that a re-appointment is necessary in the interests of public safety, this decision should be subject to agreement by a vote of the elected members of the fire and rescue authority, or a decision by the appropriate elected representative of the fire and rescue authority. The reason why the re-appointment was necessary in the interests of public safety, and alternative approaches were deemed not appropriate, must be published and the principal fire officer's pension must be abated until they cease to be employed by a fire and rescue authority.

To ensure greater fairness and the exchange of talent and ideas, all principal fire officer posts must be open to competition nationally, and fire and rescue authorities must take account of this in their workforce planning.

¹ For the purpose of this Framework Principal Officers refers to those officers at Brigade or Area Manager level, and above, or those with comparable responsibilities to those roles.

Questionnaire

We would welcome responses to the following questions.

Q1. To what extent do you agree or disagree with proposal that the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles should be discouraged?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q2. If you disagree with proposal that the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles should be discouraged, please give reasons.

Q3. To what extent do you agree or disagree that an addendum to the National Framework is the best way to discourage the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q4. If you disagree with proposal that that an addendum to the National Framework is the best way to discourage the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles, please give reasons.

Q5. To what extent do you agree or disagree that that the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles can be justified in exceptional circumstances when necessary in the interests of public safety?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q6. If you disagree that that the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles can be justified in exceptional circumstances when necessary in the interests of public safety, please give reasons.

Q7. Are there any additional requirements that could be added to the proposed addendum to the National Framework to discourage the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles?

Q8. Are there any measures included in the proposed addendum that should be excluded from the National Framework?

Measure	Exclude?
FRAs 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	
Any such appointment must be transparent, justifiable and time limited	
In the exceptional circumstance that a re-appointment is necessary in the interests of public safety, this decision should be subject to agreement by a vote of the elected members of the fire and rescue authority	
FRAs must publish the reason why the re-appointment was necessary in the interests of public safety and alternative approaches were deemed not appropriate.	
The officer's pension must be abated until they cease to be employed by a FRA.	
All principal fire officer posts must be open to competition nationally.	

Q9. If you think that there any measures included in the proposed addendum that should be excluded from the National Framework, please give reasons.

Q10. Are there are any other views or comments that you would like to add in relation to this issue that were not covered by the other questions in this consultation?

Thank you for participating in this consultation.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (for example, member of the public)	
Date	
Company name/organisation (if applicable)	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details and how to respond

You can submit your responses to the consultation by using the online form

<http://www.homeofficesurveys.homeoffice.gov.uk/s/M00Q0/>

or in hard copy, by 4 April 2017 to:

Harinder Sahota

Home Office

2nd Floor, Fry Building, North West, 2 Marsham Street, London, SW1P 4DF

Tel: 0207 035 3478

Email: FRSComms@homeoffice.gsi.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

Extra copies

This consultation is available online at

https://www.gov.uk/government/publications?publication_filter_option=consultations

Alternative format versions of this publication can be requested from

FRSComms@homeoffice.gsi.gov.uk

Publication of response

A paper summarising the responses to this consultation will be published by 21 May 2017.

The response paper will be available online at

https://www.gov.uk/government/publications?publication_filter_option=consultations

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

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If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>



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