



Home Office

Re-engagement of Senior Fire Officers Post-retirement

Response to Government Consultation

Ministerial Foreword

The Government's fire reform programme seeks to support fire and rescue authorities and the fire and rescue services they oversee to become more effective, efficient, transparent, accountable and professional than ever before. A range of work is underway with the fire sector to bring about these changes and make a lasting, tangible difference.

This issue goes right to the heart of our ambition. The Government does not believe it can ever be justified for chief and principal fire officers to retire one day, only to be rehired in the same job just a few days later, with financial benefits putting additional strain on the taxpayer. It looks wrong; it erodes public confidence; it undermines the respect of firefighters and staff in their leadership; and the Government believes it must stop.

I am grateful to all those who took the time to respond to the public consultation. This document sets out the results of that public consultation, and, having considered those results, I believe supports the Government's desire to take action in this area.

While we are specifically discouraging the practice of re-engagement of principal fire officers through an addition to the Fire and Rescue National Framework for England, we expect fire and rescue authorities to have regard to this principle when re-appointing at any rank.

I have separately concluded that the whole National Framework should be revised to reflect the changes that have occurred across the sector and the outputs from our fire reform programme. I therefore do not intend to add this change to the existing National Framework as an addendum, but will include it as part of the wholesale change which is now underway and will be completed by early 2018. Until such time as the new National Framework is issued, I expect every fire and rescue authority in England to take heed of this consultation and the Government's position should they wish to re-engage any recently retired senior fire officer and re-appoint them in the same or a similar post.



Rt hon Nick Hurd MP
Minister of State for Policing and Fire

Introduction

1. In February 2017, the Government launched a consultation on amending the Fire and Rescue National Framework in England ('the Framework') to include requirements to discourage fire and rescue authorities from re-engaging senior fire officers post-retirement. This document provides a summary of responses to the consultation and sets out the Government's response

Background

2. 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. This practice means the senior officer can access up to a quarter of their pension pot as a tax free lump sum and then return to post and cease to pay employee pension contributions. The employing fire and rescue authority (FRA) also ceases to pay employer pension contributions, further adding to the financial burden on the exchequer.
3. This practice seems to occur primarily amongst senior officers, commonly chief fire officers, who either make arrangements with their FRA to retire and then be re-appointed, or retire and apply for a post they have previously held (or one that is similar).
4. This practice mostly involves members of the Firefighters' Pension Scheme 1992 (the "1992 Scheme") and is dependent on the employing FRA agreeing to re-appoint the senior fire officer into post. It accordingly promotes a perception that there is one rule for those 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. This practice has generated considerable public interest and has the potential to damage the trust between firefighters and senior officers.
5. In response to these concerns, the Government consulted on proposals to use the National Framework to discourage this practice. Under section 21 of the Fire and Rescue Service Act 2004, FRAs must have regard to the Framework and the Secretary of State must keep the terms of the Framework under review and may from time to time make revisions to it. FRAs are under a duty to have regard to the Framework.
6. In demonstrating their accountability to communities for the service they provide, the Framework requires FRAs to provide assurance to their communities and to Government, on financial, governance and operational matters. 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 job¹. However, there is nothing specific in the National Framework to discourage the practice outlined above.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5956/2091042.pdf

Responses

7. A total of 62 responses were received. Not all respondents to the consultation provided full responses to all of the questions raised. Some respondents provided an overall view, either their personal or organisational thoughts on the consultation, all of which have been taken into consideration.
8. A summary of the responses received to each question and department's conclusions and proposed way forward, taking account of these responses, is set out in the following pages.

The principle of discouraging this practice

Q1. To what extent do you agree or disagree with the 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?

Q2. If you disagree with the 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.

Consultation feedback

9. 71 percent either strongly agreed (44 percent) or agreed (27 percent) with this proposal. A total of 15 respondents chose to comment further.
10. Most of the responses were positive including all those from fire staff representative bodies (e.g. Fire Brigades Union). All chief fire officers who responded agreed that the practice should be discouraged or banned.
11. Of the unsupportive responses, 4 were from FRA chairs who said that: "*authorities should be free to make decisions which are in the best interest of their organisations*", one adding that "*there are times when the Authority needs to be able to offer retire/return opportunities to all staff in the interest of efficiency and effectiveness; and to maintain a resilient organisation*". Also, the practice "*involves a cost reduction for the authority as it will no longer have to make pension contributions for the individual, and thus promotes effective use of resources*".
12. These respondents tended to also make the point that action was not required because "*pensions are abated on re-engagement, and unlike most workers in the public sector, fire officers do not have the option of seeking approval to flexible retirement within these schemes*".
13. Of the other respondents, many were unsupportive because they preferred an outright ban rather than 'discouragement'. This included a chief fire officer who commented that "*there is no necessity for a fire authority to re-employ any member of staff given that the 'talent pool' within the fire sector is sufficiently full of people who can replace any individual irrespective of role or position. Furthermore, the projection of the re-employment arrangements from a public perspective can only be regarded as divisive, inappropriate and based upon the greed of individuals*".

The Government's response

14. The Home Office must take account of the wider public interest. Our proposals allow flexibility for FRAs to re-employ senior officers in exceptional circumstances in the interests of public safety. However, the employment of senior officers post-retirement can engender mistrust between the FRA leadership and staff as the senior leadership benefit in a way that other firefighters generally cannot.
15. In terms of value for money, at first glance the practice may seem an effective use of resources for the FRA. However, the practice leads to a loss of income for the exchequer as pension contributions from both the employee and employer are no longer paid which pushes the cost from the individual employee and employer to the taxpayer as it requires the taxpayer to make up the difference between pension contributions (from employees and FRAs) and pension benefits to be paid via the annual firefighters' pensions top-up grant.

Use of the National Framework

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?

Q4. If you disagree with the proposal 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.

Consultation feedback

16. 61 percent either strongly agreed (27 percent) or agreed (34 percent) that the addendum to the National Framework was the best way to discourage the practice.
17. A total of 14 respondents chose to comment further.
18. The main issue raised, including by chief fire officers and fire and rescue authority chairs, was about the nature of the National Framework document. For example *"the National Framework is a strategic document which defines the direction and purpose of the fire and rescue service. The fire and rescue authority does not believe the National Framework was ever intended to facilitate this sort of methodology in relation to the employment policies affecting a handful of staff. In any event, the National Framework is not binding. FRAs are required to have regard to its contents"*.
19. Similar comments included *"workforce planning is a condition of service issue and should be a matter for the employing fire and rescue authority and not for Government"* and *"...if enacted, it would restrict the ability of fire and rescue authorities to effectively manage their workforce"*.
20. Other issues raised in this section included that *"fire and rescue authorities should make their 'workforce strategy' available for the public to view; this will provide openness and transparency from individual fire and rescue authorities on their re-engagement approach. Where Government believe this is not the case or decisions are not open and transparent, they will have a route to challenge fire and rescue authorities through the inspectorate"*.
(Representative body)

21. Some thought that an addendum was not strong enough. A chief fire officer said *“the practice should be stopped and not discouraged. The use of the National Framework can only be regarded as a ‘toothless’ and weak approach to dealing with a matter that is so sensitive that it warrants legislative intervention”*.

The Government’s response

22. Under statute, the National Framework may contain any matter relating to FRAs or their functions that the Secretary of State considers appropriate. It is therefore not confined to the operational functions of FRAs and can cover organisational matters such as this. The Framework already includes a management issue, namely firefighter fitness principles.

23. The Framework sets out the Government’s priorities and objectives for FRAs in England. The Framework sets out high level expectations and FRAs are under a duty to have regard to the Framework when carrying out their functions. The Government is able to commission an inspection of compliance with that duty and to intervene if there is a failure or likely failure to act in accordance with the Framework and the intervention would result in the promotion of public safety or the economy, efficiency or effectiveness of that fire and rescue authority. The Government’s expectation is that the new fire and rescue inspectorate will consider whether a FRA has acted in accordance with the Framework as part of its inspection regime.

24. FRAs will still have discretion to make the most appropriate decisions concerning their workforce. That said, the Home Office’s expectation is that each FRA should undertake appropriate workforce development and succession planning, as well as developing and supporting their talent pipeline to strengthen and develop the management skills of those working within their service.

25. The Home Office considered whether to amend the National Framework now with an addendum to bring about this change, but concluded for simplicity that this change should be included as part of the full revision of the National Framework which is now underway. The intention is for the revised Framework to go out to full public consultation in December and come into force in the spring 2018.

Allowing the practice in exceptional circumstances

Q5. To what extent do you agree or disagree 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?

Q6. If you disagree 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.

26. 58 percent either strongly agreed (12 percent) or agreed (46 percent) that the practice could be justified in exceptional circumstances when necessary in the interests of public safety. A total of 22 respondents chose to comment further.

27. The unsupportive comments centred around the pool of talent available to services to take on senior roles, as well as difficulties around contingency and succession planning arrangements. Comments included:

“The fire and rescue service has a strong team ethic, there are many peer to peer support arrangements, therefore I am not persuaded by any argument that one individual remaining in post is crucial to public safety”. (Fire and rescue service employee)

“A professional body such as the fire service should always have succession planning in place and business continuity plans to cope with the unexpected loss of any person in a role. If these are in place there should never be a need to re-appoint”. (Anon)

“I cannot identify a single circumstance that would support exceptional circumstances”. (Chief fire officer)

“Having a clause relating to 'public safety' which is clearly an emotive term which will lead to it being abused by fire authorities. This will simply pave the way for cases to be badged as in the interest of public safety”. (Member of public)”

“The solution is that any such reappointment should be subject to and contingent upon the agreement of the Home Secretary (perhaps delegated to the Fire Minister) or the chief inspector”. (Representative body)

The Government’s response

28. The Home Office’s expectation is that FRAs should have robust organisational and operational plans in place to deal with any incident and that such plans are not reliant on an individual. Therefore any re-engagement should only take place in exceptional circumstances. Workforce planning, succession planning, talent management, leadership development and operational delivery will be matters considered by the new inspectorate and services will be supported to develop future leaders.

29. Proper succession planning, talent management and leadership development should mitigate the need to re-employ a retired senior officer. Furthermore, recruiting senior fire officers through external fair and open competition would allow the FRA to choose the best person for the job. The Home Office expects to undertake a review of the National Framework over the remainder of 2017 and propose to include a requirement for each FRA to have business continuity and succession plans in place as part of good organisation management.

30. The Home Office does not believe it should intervene in individual appointments to FRAs. The Framework makes our position on these matters clear; it is for FRAs to make their own decisions giving due consideration to the Framework and justify any re-appointment publically.

Suggested additional requirements or exclusions

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?

31. A total of 37 respondents chose to comment on further requirements that could be added to the National Framework on this issue. Other issues raised included:

“The framework should mandate robust succession planning to avert this issue”. (FRS employee)

“This restriction should not just cover senior officers and should apply to the whole service”. (Various)

“If it is necessary it should only for a short period of time to enable development or shadowing of current staff to take over the role”. (Representative body)

“Do not allow access to the commuted lump sum until completion of abated employment period”. (Chief fire officer)

“Freeze pension access option, remove need for employer and employee contributions if staying longer than pension payment term, flexible retirement, ability to convert to Green Book role and only accessing Grey/Gold Book pension at the point of leaving the Service”. (Fire and rescue authority employee)

“After “...Any such appointment must be transparent, justifiable and time limited.” - the following requirement should be added: “A fire and rescue authority must therefore ensure that its pay policy statement reflects this.” Once incorporated into a fire and rescue authority’s pay policy statement it would be unlawful for it not to comply with it”. (Chief fire officer)

“We understand that there have been recent examples where tax liabilities for Chief Fire Officers who have opted to retire have been borne by the fire and rescue authority, or to put it more directly, by the taxpayer. That should be specifically stated as being unacceptable in the Framework”. (Representative body)

“Framework should be clear that it applies in all instances, such as where a brigade manager seeks appointment in another fire and rescue service”. (Representative body)

The Government’s response

32. The Government expects to undertake a review of the National Framework this year and proposes to include a requirement for FRAs to consider sufficient workforce and succession planning; although this is management good practice and so the expectation is that most, if not all, have done this already.

33. In relation to including all firefighters within this requirement, while the Home Office is opposed to this practice regardless of role, we understand the practice is mostly reserved to principal fire officers. As the consultation focused solely on principal fire officers rather than seeking views on whether this discouragement should apply to all ranks, we propose limiting this measure to principal fire officers. However, the Home Office believes that this practice is not acceptable and will make clear in communications that it is opposed to the practice at all levels.

34. Our proposal is that in an exceptional circumstance where this is necessary in the interests of public safety, then any appointment should be time limited.
35. Guidance previously issued by the Department for Communities and Local Government on openness and accountability in local pay included a stipulation that: *“authorities should use their pay policy statements to explain their policies towards the reward of chief officers who were previously employed by the authority and who, on ceasing to be employed, were in receipt of a severance or redundancy payment from that authority. This should include any local policy toward ex-employees later engaged as chief officers under a contract for services. Similarly, authorities should include their policies toward the reward of chief officers who are also in receipt of a pension under the Local Government Pension Scheme or relevant Fire Fighter Pension Scheme”*. The Home Office is not planning on issuing any further guidance on the content of pay policy statements for FRAs. However, pay policy statements are likely to be considered by the new fire and rescue inspectorate in the course of their inspections.

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

36. 33 individuals - around half - responded to these questions and percentages below indicate proportion of the total number of responses to the consultation.

Measure to Exclude	Response rate
a) 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.	30.6%
b) Any such appointment must be transparent, justifiable and time limited.	27.4%
c) 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	33.9%
d) FRAs must publish the reason why the re-appointment was necessary in the interests of public safety and alternative approaches were deemed not appropriate.	24.2%
e) The officer’s pension must be abated until they cease to be employed by a FRA.	25.8%
f) All principal fire officer posts must be open to competition nationally.	35.5%

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

Consultation feedback

37. Responses mainly covered objection to any measure that would limit the discretion of FRAs. Examples are given below.

- a) 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'.

Reason: *"Whilst re-engagement should not be seen as the norm or openly encouraged, there may be instances that may not be considered 'exceptional' whereby re-engagement is the most efficient and cost effective solution. Authorities should be able to assess these instances on a case by case basis".* (Chief Fire Officer)

- b) Exclude: 'Any such appointment must be transparent, justifiable and time limited'.

Reason: *"Whilst appointments must be transparent and justifiable, the issue of time limitation should be at the discretion of the individual authority".* (Chief Fire Officer)

Reason: *"The Statement of Assurance provides for this".* (FRA)

- c) Exclude: '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'.

Reason: *"This is part of good governance and the fire and rescue authority's role".* (FRA)

- d) Exclude: 'FRAs must publish the reason why the re-appointment was necessary in the interests of public safety and alternative approaches were deemed not appropriate'.

Reason: *"Whilst such appointments must be transparent and justifiable, the requirement to publish the reason for the re-appointment should be at the discretion of the individual Authority".* (Chief Fire Officer)

- e) Exclude: 'The officer's pension must be abated until they cease to be employed by a fire and rescue authority'.

Reason: *"Workforce planning is a conditions of service issue and should be a matter for the employing Authority and not for Government".* (Chief Fire Officer)

Reason: *"Already a requirement of pension regulations".* (FRA)

Reason: *"Where, for exceptional reasons connected to ensuring public safety, a Senior Fire Officer is re-engaged for a time limited period, abatement would appear inappropriate. As the Officer may be fulfilling the role on a basis of necessity rather than mutual convenience, it would seem inappropriate to penalise the Officer for fulfilling the role in those circumstances".* (FRA)

f) Exclude: 'All principal fire officer posts must be open to competition nationally'.

Reason: *"The requirement that all principal fire officer posts must be open to competition nationally is unhelpful. One of the main reasons that internal only recruitment is used is to assist with establishment control. We, in common with many other public sector organisations have been downsizing over a number of years and internal only recruitment helps us to reduce the size of our workforce without incurring severance costs".* (FRA)

Reason: *"The decision about recruitment of all staff posts should be at the discretion of the individual authority".* (Chief Fire Officer and FRA)

Reason: *"Given that the definition of principal fire officer posts for this consultation includes Area Manager or equivalent and above, the requirement to make all posts open to national competition will inhibit the ability of an individual service to manage down the size of its workforce through natural attrition. This is not an argument for allowing re-engagement but [the measure] may have unintended consequences for services where re-engagement is not a factor in the situation, only the desire/need to shrink the workforce".* (Assistant Chief Fire Officer)

Reason: *"If all principal officer posts must be subject to open competition nationally then re-engagement could not be utilised. Re-engagement is a process whereby individuals are offered a new contract in the same or similar position without competition".* (FRA chair)

The Government's response

38. The Home Office's expectation is that FRAs should be transparent and accountable to their communities for their decisions and actions. This includes decisions on the re-engagement of senior officers. It is a matter for the area's elected representatives to determine what is an exceptional circumstance, and when a reappointment is in the interests of public safety.
39. We agree that employment is a matter for the employer but open competition also aids the process of selecting the best candidate for the role, something that senior officers being immediately re-employed prevents. The lack of open competition prevents the recruitment of candidates from outside the particular fire and rescue authority who possess the necessary skills and experience. Furthermore, restricting the recruitment of senior staff solely from an existing internal pool can run the risk of stifling innovative thinking and stopping new practices being introduced. Promoting only from within will inevitably lead to a perception in the wider general public of individuals being appointed by rotation rather than on merit. Proper succession planning should enable the downsizing of any organisation to be managed in a sensible and planned fashion.

Other views or comments

Q10. Are there 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?

40. A total of 37 respondents chose to provide further comments on this issue: many of them reiterating either support for, or objections to, the proposed addendum to the National Framework that were made in response to earlier questions.
41. Comments calling to end the practice included *"such re-employment prevents career progression for good officers and it allows any culture developed by the incumbent to be perpetuated not necessarily to the good of any fire and rescue service. It can develop a 'cosy' relationship between the fire authority and the CFO where scrutiny may then be less*

sharp rather than maintaining a cordial relationship where scrutiny can be more effective”. (FRA member).

42. Those echoing their opposition to any change to the National Framework included that “[by] *inhibiting a fire authority’s ability to utilise re-engagement significant knowledge gaps may be created”.* (Deputy CFO) and also that “*adequate scrutiny, transparency and governance should already be provided around such decisions - enabled through an Authority’s’ constitution, Statement of Assurance and Pay Policy Statement. (FRA).* Also “*a more appropriate position should be for the policies and procedures of the respective Authorities and Services to be implemented through the National Joint Council, following appropriate consultation”.* (Chief Fire Officer)
43. Others suggested changes should be made to pension arrangements or terms and conditions, such as: “*with the intention for greater collaboration and blue light alignment, is there scope to look at an agreed approach for Police, Fire and the Ambulance Service”?* (fire and rescue service employee) and “*a small number of Chief Fire Officers are caught in a pension trap and cannot retire until they are 55. If the Home Office is minded to add an addendum to change rules in relation to the terms and conditions of principal officers we would encourage them to amend this potentially discriminatory practice at the same time”.* (Representative body)
44. On terms and conditions: “*Chief Fire Officers should be barred from having their contracts renewed, with, for example, a four or five year turnaround of CFO in any brigade. This will bring a refreshed culture and a refreshed operational eye to the brigade”.* (FRA member)
45. Some respondents were concerned that senior officers in the fire service were being singled out unfairly. For example: “*Government must ensure that any proposed changes to the practices of FRAs in respect of retire/return practices as a result of government policy should be reflected across the whole of the public sector to ensure consistency”* (FRA chair). In addition: “*these proposals potentially put senior fire officers in a different position to their senior county council colleagues where fire services operate within a county council; the proposals would mean a different approach for different key senior personnel within a county council where, for example, we could have the odd situation where a council appoints a new Chief Executive or other senior post via an internal route whereas the senior fire officer role has to be advertised nationally. This does not appear to be logical approach to workforce planning”.* (Representative body)
46. Several comments questioned the definition of principal officer within the consultation, e.g. “*I do not support the definition of Principal Fire Officers including Area Manager Posts, this should be limited to Brigade Managers (and above)”.* (Member of the public)
47. Finally there was a suggestion that the addendum should be re-worded as follows: “*fire and rescue authorities must not re-appoint principal fire officers after retirement to their previous (or a similar) post, save for circumstances when such a decision is necessary in the interests of public safety and/or economy, efficiency and effectiveness of the service. In addition, it is presumptive for the National Framework to determine whether such circumstances would be exceptional. The addition of references to economy, efficiency and effectiveness brings the framework into line with language used in reference to the fire and rescue service in the Policing and Crime Act 2017”.* (Representative body)

The Government's response

48. The Home Office believes that the re-engagement of senior officers should only be necessary in exceptional circumstances in the interests of public safety. It is a practice that is not economical for the exchequer and ultimately the taxpayer. Efficiency and effectiveness should include adequate workforce planning, succession planning, talent management and leadership development and should mitigate the need to reemploy a retired senior officer.
49. In terms of any comparisons with other emergency services, the specific workforce arrangements for services - though often similar - are not identical. There are no plans to seek to align them more closely. If employers do have concerns with specific pension issues then these should be raised in the first instance with the national Firefighters' Pension Scheme Advisory Board (FPSAB). The FPSAB can consider if and how these concerns should be addressed and provide advice to the Home Office as necessary.
50. The Home Office does not agree that this change leads to principal fire officers being unfairly singled out or an inconsistent approach to the Government's policy on re-appointments. Public service pension schemes aim to provide public servants with a good income in retirement, but to receive such benefits employers and employees must pay their share. Members should not circumvent the spirit of the pension scheme regulations to access their pension lump sum, avoid paying pension contributions and ultimately receive an uplift in take home pay. Whilst the individual public service pension schemes may differ in part, the principles are largely consistent and the 1992 Firefighters' Pension Scheme (the one which members who are undertaking this practice are a part of) is one of the very best available.
51. The Home Office believes that the National Framework is an appropriate mechanism for this change and that fire and rescue authorities are best placed to determine whether a re-appointment is necessary on the grounds of public safety. The decision making of FRAs will not be considered by the fire and rescue inspectorate (HMICFRS) unless serious failings are identified. However, the inspectorate will assess how well FRAs manage and use their resources - including how well it ensures it has the right capability and skills in the service at all levels - and how leadership skills and being developed.

Next Steps

52. The Home Office has concluded that action should be taken to discourage the practice of FRAs re-engaging senior fire officers post-retirement. We have considered whether to amend the National Framework now with an addendum to bring about this change, but concluded for simplicity that this change should be included as part of the full revision of the National Framework which is now underway. The intention is for the revised Framework to go out to full public consultation late 2017 and come into force spring 2018. Until the revised Framework comes into force, the Home Office expects FRAs to take this policy position into account if seeking to re-employ any retired fire personnel in the interim.
53. The text to be inserted in the National Framework is as follows.

The re-appointment of principal fire officers to the same or similar posts within the same fire and rescue authority, a short time after they have retired, has caused concern in recent years and increases costs for taxpayers. 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 public vote of the elected members of the fire and rescue authority, or a publicised decision by the appropriate elected representative of the fire and rescue authority, taking into account the legislative requirements of PCC FRA Chief Fire Officer appointment procedures. 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.

While the above requirements only extend to principal fire officers, we expect fire and rescue authorities to have regard to this principle when re-appointing at any rank.

Annex A

About the consultation

54. The issues on which the Government consulted were set out in the *Re-engagement of Senior Fire Officers Post-retirement* consultation document. The consultation asked a total of ten questions, seeking the opinion of key stakeholders and the public on the Government's proposals. Responses were invited via an online form hosted on the Home Office pages of the GOV.UK website, via e-mail, or by post. The consultation ran from 21 February to 4 April 2017.
55. A total of 62 responses were received, with 54 coming via the online form, seven via e-mail, and one by post. Responses provided online which were either incomplete or not formally submitted were not considered as part of the consultation response.
56. For each consultation question, if respondents disagreed with a proposal they were given the opportunity to expand on their answer by providing free-text in the following related question. Respondents were further given the opportunity to add any other views or comments or raise any other related issues as part of the consultation
57. Responses were received from a diverse range of fire authorities, representative bodies, professional bodies, fire service employees and the public. In a few cases it was not made clear whether the response was a personal one or being made on behalf of their organisation but it was assumed, for example, that chairs and senior (non-uniformed) officials were representing a fire and rescue authority. Annex B lists some of the key stakeholders that responded to the consultation.

Annex B

Respondents to the consultation

Responses were received from the following organisations, either on behalf of the organisation or in a personal capacity.

Fire and Rescue Authorities/Services

Avon Fire Authority
Bedfordshire Fire Authority
Buckinghamshire and Milton Keynes Fire Authority
Cambridgeshire Fire Authority
Cheshire Fire Authority
Cleveland Fire Authority
County Durham and Darlington Fire and Rescue Service
East Sussex Fire and Rescue Service
Hampshire Fire & Rescue Service
Hereford & Worcester Fire & Rescue Service
Hertfordshire County Council
Hertfordshire FRS
Humberside Fire Authority
Leicestershire Fire and Rescue Service
Lincolnshire Fire and Rescue
London Fire Brigade
Merseyside Fire and Rescue Service
Nottinghamshire Fire and Rescue Service
Northamptonshire Fire and Rescue Service
North Yorkshire Fire and Rescue Authority
Royal Berkshire Fire Authority
Shropshire Fire and Rescue Service
Stoke on Trent and Staffordshire Fire and Rescue Authority
Tyne and Wear FRS
West Midlands Fire and Rescue Authority
West Yorkshire Fire and Rescue Authority

Organisations

Local Government Association
Fire Brigades Union
Fire Officers Association
Association of Principal Fire Officers
Association of Local Authority Chief Executives and Senior Managers
Asian Fire Service Association
London Fire Brigade Equality support groups