

Safest People, Safest Places

County Durham and Darlington
Fire and Rescue Authority



COMBINED FIRE AUTHORITY

21 MARCH 2017

HOME OFFICE CONSULTATION TO AMEND THE FIRE AND RESCUE NATIONAL FRAMEWORK FOR ENGLAND

REPORT OF CHIEF FIRE OFFICER

PURPOSE OF THE REPORT

1. To inform members of the Home Office's Consultation to amend the Fire and Rescue National Framework for England to discourage the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles and outline draft responses to the questionnaire.

BACKGROUND

2. On 21 February 2017 a letter was sent to Fire Authority Chairs, Chief Fire Officers and representative organisations by the Rt Hon Brandon Lewis MP, the Minister for Policing and Fire Services announcing a consultation to amend the National Framework for England to discourage the re-employment of senior officers on retirement.
3. The letter requests that responses to the consultation questionnaire are submitted by 4 April 2017. A copy of the consultation document can be accessed through the following link:

<https://www.gov.uk/government/consultations/re-employing-senior-fire-officers-after-their-retirement>

PROPOSED CONTENTS OF THE ADDENDUM

4. Fire and Rescue Authorities (FRAs) must not re-appoint principal fire officers after retirement to their previous (or a similar) post, except for in exceptional circumstances when such a decision is necessary in the interests of public safety.
5. Any such appointment must be transparent, justifiable and time limited.
6. 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.
7. FRAs must publish the reason why the re-appointment was necessary in the interests of public safety and alternative approaches were deemed not appropriate.

8. The officer's pension must be abated until they cease to be employed by a FRA.
9. All principal fire officer posts must be open to competition nationally.

IMPLICATIONS AND CONSIDERATIONS FOR THE AUTHORITY

10. The Minister's proposals, as laid out in the consultation document will, if enacted, remove a facility for Fire Authorities to effectively manage their workforce. It is unusual for this kind of issue to be enacted through the National Framework. The National Framework Document's primary purpose is to direct the strategic functions of a Fire Authority and should not be used to direct day to day management issues which are the responsibility of the employer. These day to day issues are normally addressed through a contract of employment and internal policy and procedure. Removing this freedom from the individual employer (the fire authorities) could set a precedence for future terms and conditions issues.
11. The Authority already has a procedure in relation to re-engagement of operational officers (AD 2/47) which outlines the criteria that will be considered by the Authority in such cases. There is no automatic right to re-engagement and the decision is made by the Authority not officers. The Authority would only consider any application in exceptional circumstances, however, retaining this decision making power is important.
12. It is likely that all principal officer vacancies in the future will need to be advertised nationally. Again whilst the Authority has normally taken this decision for all posts at strategic level it could restrict efficiency savings opportunities or put staff at risk of redundancy if the vacancy was linked to an overall reduction in staff numbers. These are decisions that should be taken by the fire authority rather than through direction in the National Framework document.

NEXT STEPS

13. Given the tight deadlines for a response and the timings of future fire authority meetings it is proposed that the Authority's response is delegated to the Chief Fire Officer in consultation with the Chair, Vice Chair and Clerk to the Authority based on the draft response attached at Appendix A.
14. Following publication of the response to the consultation and any subsequent addendum to the Framework document, the Service will review all relevant policies and procedures relating to re-engagement and discuss these with relevant trade unions and staff associations through the normal consultation processes prior to presenting them to the Authority for approval.

RECOMMENDATIONS

15. Members are requested to:
 - (a) **note** the proposed revisions
 - (b) **note and comment** on the draft responses to the questionnaire (appendix A)

Stuart Errington, Chief Fire Officer, 0191 3755553

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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

Draft response: **Agree**

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.

Draft response: **N/A**

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

Draft response: **Strongly disagree**

Q4. If you disagree with 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.

Draft response: The Minister's proposals as laid out in the consultation document will, if enacted, remove the decision making power and restrict the ability of Fire Authorities to effectively manage their workforce.

The National Framework Document's primary purpose is to comment on the functions of a Fire Authority and should not be used to direct day to day management issues which are the responsibility of the employer. Re-engagement of serving fire service personnel who are members of the firefighter's pension scheme 1992, is an employment workforce planning mechanism.

Fire Authorities should have in place a re-engagement policy as part of their overall workforce planning strategy.

It is wholly inappropriate for Government to seek to constrain and restrict Fire Authorities in their management of their workforce, through the use of the National Framework Document. This is a misuse of the National Framework Document as workforce planning is a conditions of service issue and should be a matter for the employing Authority and not for Government.

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?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Draft response: **Agree**

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.

Draft response: **N/A**

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?

Draft response: **N/A**

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	Draft response: Yes
Any such appointment must be transparent, justifiable and time limited	Draft response: Yes
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	Draft response: Yes

FRA's must publish the reason why the re-appointment was necessary in the interests of public safety and alternative approaches were deemed not appropriate.	Draft response: Yes
The officer's pension must be abated until they cease to be employed by a FRA.	Draft response: Yes
All principal fire officer posts must be open to competition nationally.	Draft response: Yes

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

Draft response:

i) Exclusion of: *'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.

Re-engagement is one strand of an effective workforce planning strategy; it should not be used on every occasion and an employer must have the flexibility to recruit and retain employees, based upon their organisational needs.

ii) Exclusion of: *'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.

iii) Exclusion of: *'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: see i)

iv) Exclusion of: *'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.

v) Exclusion of: *'The officer's pension must be abated until they cease to be employed by a FRA.'*

Reasons: Workforce planning is a conditions of service issue and should be a matter for the employing Authority and not for Government.

vi) Exclusion of *'All principal fire officer posts must be open to competition nationally'*.

Reason: The decision about recruitment of all staff posts should be at the discretion of the individual Authority.

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?

Draft response:

It is unclear why Senior Officers are being treated differently to other public sector employees.

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.

The forthcoming introduction of the inspectorate will provide an appropriate mechanism to treat such appointments on a case by case basis and to check that authorities are compliant.