

HERTFORDSHIRE COUNTY COUNCIL

**EMPLOYMENT COMMITTEE
28 JULY 2020 AT 12.30PM**

<u>Agenda Item No.</u> 2

REQUEST FOR APPROVAL OF TEMPORARY RE-ENGAGEMENT OF ASSISTANT CHIEF FIRE OFFICER

Report of the Director of Resources

Author: - Gill Goodchild
Head of Specialist Services Community Protection
(Tel: 01707 292641)
Sally Hopper, Assistant Director of Human Resources
(Tel: 01707 555692)

Executive Member Ralph Sangster, Resources & Performance

1. Purpose of report

1.1 To invite the Committee to approve the re-engagement of Assistant Chief Fire Officer (ACFO) Gus Cuthbert after his retirement on 31 July 2020.

2. Summary

2.1 ACFO Gus Cuthbert is due to retire on 31 July 2020. Due to the fact that he is significantly involved in the Hertfordshire Fire and Rescue Service (HFRS) response to COVID-19 and the service has been unable to recruit a suitable replacement at this time, the service proposes to re-engage ACFO Gus Cuthbert in his role from 17 August 2020. This re-engagement will be time limited for a period of 6 months and is made in the unique circumstances of HFRS and Hertfordshire County Council's response to Covid-19.

3 Recommendation

3.1 The Employment Committee is asked to approve the temporary re-engagement of ACFO Gus Cuthbert from 17 August 2020 for a period of not more than six months including any notice period.

4. Background

- 4.1 On 22 April 2020 John Glen MP (Economic Secretary to the Treasury) made a written ministerial statement (Appendix 1) recognising that at this time, it is important that key public sector workforces can bring back workers with relevant and valuable experience to ensure that the government can continue to provide critical public services. To that end the Minister worked with colleagues across government to ensure they removed any potential barriers to those who wish to return to work to help respond to the Covid-19.
- 4.2 The National Framework for Fire provides guidance regarding the re-engagement of Senior Officers under section 6 and, specifically states:

Re-engagement of Senior Officers

6.7 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.

*6.8 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.***

*6.9 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.***

6.10 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.

6.11 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 level.

- 4.3 ACFO Cuthbert is the fire service lead on the County Strategic Coordination Group and represents HFRS on the regional coordination group and is therefore integral to the response to the current national emergency – to allow him to leave would be damaging to service delivery and the wider directorate and potentially increase the overall corporate risk due to loss of knowledge and expertise at this critical time.
- 4.4 A recruitment process was undertaken in early 2020 to recruit to the Assistant Chief Fire Officer role however no suitable candidates were identified. This process concluded just before COVID-19 started to impact services and since then HFRS have not been able to carry out further recruitment to the post.
- 4.5 In light of the above, Senior Officers believe that this request meets the exceptional circumstances test, as due to the pandemic HFRS are currently unable to replace ACFO Cuthbert with an officer of equal experience.
- 4.6 Senior Officers are also clear that this arrangement will last no longer than 6 months and are currently looking at options of a further recruitment process and, if unsuccessful, looking at the potential of developing existing personnel into the role.
- 4.7 In terms of the impact on pension, it would normally be the case that individuals who are re-employed after retirement would lose their pension protection age (PPA). HM Revenue and Customs confirmed that the rules regarding PPA have been eased where the nature of the employment is to undertake work in relation to the COVID 19 outbreak, with this easing of the rules remaining in place until 1 November 2020. There is therefore no risk to the Council in relation to ACFO Cuthbert's pension and in line with the Framework set out at 4.2 above, his monthly pension will be abated whilst he is re-engaged.
- 4.8 This is a one-off request and does not set any precedent for the future. It is made in exceptional circumstances and only on the basis that there has been a temporary easing of the rules as set out in 4.7 above.

5. Financial Implications

- 5.1 There are no financial implications and the salary costs of the six-month temporary extension can be met within existing resources. .

6. Equalities Implications

- 6.1 The Equality Act 2010 requires the county council when exercising its functions to have due regard to the need to (a) eliminate

discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.

6.2 There are no equality implications.