

 West Mercia POLICE		POLICY
Security Classification	OFFICIAL	
Disclosable under Freedom of Information Act 2000	Yes	

POLICY TITLE	Retirement and Re-joiners (Police Officers)
REFERENCE NUMBER	WMP198
Version	1.0

POLICY OWNERSHIP	
DIRECTORATE	BUSINESS SERVICES
BUSINESS AREA	PEOPLE AND ORGANISATIONAL DEVELOPMENT

INITIAL IMPLEMENTATION DATE	October 2022
NEXT REVIEW DATE:	September 2023
RISK RATING	MEDIUM
EQUALITY ANALYSIS	MEDIUM

West Mercia Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy.
Please e-mail policiesandprocedures@westmercia.police.uk

1.0 POLICY OUTLINE

This policy sets out West Mercia Police's position on the use of options with the Police Pension Regulations that allow an officer to retire from the force, access their lump sum benefits from their legacy pension scheme and re-join the force. This policy will be reviewed 31 March 2023.

2.0 PURPOSE OF POLICY

- 2.1 The use of this policy is aimed at reducing the potential financial disadvantage to officers who may wish to continue serving past their 30 year service date who would then receive a reduced commutation rate for their lump sum benefit upon their retirement under the 1987 Police Pension Scheme.
- 2.2 The introduction of this policy follows the issue of the NPCC National Reward Team Guidance Note 8 (Retirement and Re-joiner Guidance) which was released to support forces with formulating local policies following a number of developments including:
- The need to retain experienced officers in a wide range of roles to support Programme Uplift, to provide resilience, mentoring and coaching at a time when there are high numbers of officers with limited operational policing experience.
 - The changes to the Compulsory Retirement Age (CRA) for police officers from 1st April 2022 and supporting the government's objectives of achieving longer working lives, whilst removing the financial dis-incentive that may encourage officers who would ordinarily wish to continue working in the police to leave service for reasons associated with pension benefit changes.
 - The issue raised by staff associations around the interaction of legacy (1987 and 2006) Scheme benefits and access to reformed 2015 Scheme benefits where legacy benefits are accessed before age 55.
- 2.3 It is for each force to determine whether it wishes to adopt the guidance issued, and West Mercia Police has determined it will adopt the guidance into this policy and will be reviewed in March 2023 to determine whether the factors that supports its use still apply e.g. ability to maintain officer numbers and level of experience within the force.

3.0 IMPLICATIONS of the POLICY

3.1 Legal

The provisions set out in this policy are in line with the relevant Police Pension Regulations – PPS 1987, PPS 2006, Police Pension Fund Regulations 2007, the Pensions Ombudsman Determination PO-25374, HMRC Pensions Manual PTM062230 and the Finance Act 2004.

3.2 Financial

- 3.2.1 In all cases an officer's pension will be **fully abated** on their return to service. Full abatement means that officers will have their pensions paused while working for West Mercia Police. Officers will only be entitled to the salary for their rank and hours worked. Once the officer decides to retire from the force for the 2nd time the pension will be re-instated along with any applicable increases.
- 3.2.2 There is an increased salary cost of retaining an experienced officer compared to recruiting a new student officer, however this can be offset against the recruitment and training costs of a new starter, and non-financial benefits in terms of the retention of skills and experience.

3.3 Risk / Health and Safety

Re-joiners will be subject to a number of conditions including normal fitness requirements (allowing for reasonable adjustments that may be necessary under the Equality Act), re-vetting and a probationary period.

3.4 Eligibility

- 3.5 This policy will apply to all **eligible constables and sergeants who:**

1. Have membership of the 1987 Police Pension Scheme **either:**

Where they have attained 30 years' pensionable service

Or

Where they have attained at least 25 years' pensionable service and are aged at least 50

Under this policy these officers have the option to leave service with immediate access to their 1987 Scheme benefits and receive a commutation lump sum. A one month break in service must be taken. The officer may re-join as a member of the 2015 Scheme.

2. Have membership of the 2006 Police Pension Scheme where they have attained age 55

Under this policy these officers have the option to leave service and receive an automatic lump sum of 4 times pension. A one month break in service must be taken. The officer may re-join as a member of the 2015 Scheme.

- 3.6 ***In some instances it may not be in the long term financial interest of the officer to retire before attaining 30 years' service due to the loss of other benefits within the 1987 and 2006 Schemes which would be lost when they access their pension such as weighted accrual and commutation cap (1987 Scheme) and final salary link (1987 and 2006 Schemes). Officers are strongly advised to seek independent financial advice.***

- 3.7 The force may review applications from individuals who are subject to misconduct or unsatisfactory performance or attendance procedures, or who have live disciplinary sanctions which have not been withdrawn from their service record.
- 3.8 Re-joiners will be appointed at their former rank and pay level, but will be treated as new entrants in terms of allowances such as replacement allowance, and rent/housing allowances. Annual leave entitlement will be calculated as if the officer had continuous service.
- 3.9 Officers will be eligible to apply for promotion, and if promoted will be eligible for the salary for the rank to which they have been promoted, taking account of previous reckonable service. However, their abated pension will not be increased in line with any such promotion, although it will be reflected in accrual in the 2015 Scheme.
- 3.10 Officers **must** remain in retirement for a **minimum period of one month** as a shorter period may result in potentially substantial tax charges for both the officer and the force. In all cases, the officer must re-join prior to 31 March 2023 as the policy will be reviewed after this date.
- 3.12 Abatement will be applied to the pension for the full period of re-employment. When the re-employment ends the pension will be reinstated to the full amount with any applicable increases.
- 3.13 There is no minimum or maximum period that must be served on re-joining. The force may decide to withdraw this policy at any time following appropriate consultation, however this would not affect those officers who had already re-joined and were serving at the time the policy was withdrawn.
- 3.14 On re-joining officers will be auto-enrolled into the 2015 Scheme, and periods of service in the Scheme will be aggregated providing any break in scheme service is less than 5 years.
- 3.15 Eligibility for an injury award (and other injury benefits) is retained. Ill health retirement and death in service benefits are available for re-joiners who are members of the 2015 Scheme, but access to ill health benefits will be based on 2015 Scheme service only and after completion of 2 years' service.
- 3.16 Pension figures will be calculated in line with the pension regulations in place at the time. This may mean that there will be corrections to lump sum payments and monthly payment amounts if the McCloud remedy is applied whilst the officer is still serving.

4.0 PROCEDURE

- 4.1 Officers wishing to benefit from this policy should **provide at least 3 months' notice** prior to their retirement date to allow for this procedure to be followed (unless there are exceptional circumstances, e.g. officers with less than 3 months to their planned retirement date when this policy was published).

- 4.2 Requests should be submitted via **myBOP Business Operation Centre/HR Services/Leaving/Re-joiners**. Requests will be forwarded to the relevant Superintendent/Head of Department who will make a recommendation as to whether the officer should be accepted as a re-joiner. The Business Operations Centre will collate requests to raise at the next scheduled Workforce Planning Meeting to be formally approved or declined.
- 4.3 Officers will need to take their annual leave and outstanding TOIL/RDIL prior to retiring. These will not be carried over.
- 4.4 Re-appointment is subject to pre employment checks including the national job related fitness standards the normal fitness requirements for new entrants unless reasonable adjustments are required under the Equality Act 2010. Where the officer has passed their fitness test within the 12 month period prior to re-joining their test result can be carried forward.
- 4.5 Re-joiners will be subject to a probationary period as follows:
- Gap of less than 12 months from retiring to re-joining – 6 months' probationary period
 - Gap of 12 months or more from retiring to re-joining – 12 month's probationary period
 - Officers who re-join at a different rank to that which they previously served - 12 month's probationary period
- 4.6 Officers will need to be re-attested after a break in service, and may need to be re-vetted depending on the status of their prior security clearance and the length of the gap between retiring and re-joining:
- Gap of 6 months or less from retiring to re-joining – Change of Circumstances form required and Security Review (PNC, CTU and PND checks) to reinstate recruitment vetting or management vetting
 - Gap of more than 6 months from retiring to re-joining and/or have lived outside the UK for 3 months or longer since retiring – full application required for recruitment vetting or management vetting
- 4.7 If an officer wishes to re-join on a part-time basis this will be subject to the usual considerations under the force's Flexible Working Policy. As the pension will be abated (including no partial abatement) the officer will only receive pay for the hours worked.

5.0 CONSULTATION

<i>Business Lead/ Chief Officer Consulted</i>	<i>Date Consulted</i>
Bal Jacob/ Rachel Hartland-Lane	September 2022/ October 2022

Consultation has been undertaken with the Police Federation and Superintendents Association, Finance, HR and Legal departments and Critical Friends group.

6.0 DOCUMENT HISTORY

Date	Author / Reviewer	Amendment(s) & Rationale	Date of Approval / Adoption
Sept 2022	Rob Hall	New Policy	Chief Officers meeting 14/10/2022

7.0 ASSESSMENT AND ANALYSIS

This policy has been subject to a Risk, Health and Safety and Equality Impact Assessment which is available on request.

8.0 MONITORING / EVALUATION

This policy will be monitored by the Workforce Planning Board and reviewed in light of any legislative and regulatory changes.