

## **ANNEX E**

### **30+ Scheme: Some Frequently Asked Questions**

#### **What is the 30+ scheme?**

The 30+ scheme is designed to assist forces with the retention of valuable skills and experience. The scheme arose from the Police Negotiating Board Agreement of May 2002, which included outline provisions for arrangements to give managers in the police service the scope to retain officers who are entitled to retire with maximum pension benefits where they wish to do so.

The scheme has been piloted in a selection of forces in England & Wales since December 2002. It is now available in all forces in Scotland and will be subject to review after one year.

Under 30+, the officer retires from service and then receives their lump sum commutation. They are then re-engaged by the force after a break in service of at least one day and paid at the rank point that they were previously receiving.

Upon retirement, an officer ceases to be eligible to receive replacement allowances (i.e. housing allowance). However, sufficient pension would be paid in order to restore salary to its pre retirement level. The key is that an officer should receive the same salary as before they were on the 30+ scheme.

The scheme allows the continuation of service as an attested officer with access to an early lump sum. However, it is not suitable for every officer as participants would cease to be active members of the Police Pension Scheme.

#### **Who can apply?**

The 30+ scheme is open to all officers who have completed 30 years service. Officers who have retired with less than 30 years service will not be able to apply. Officers are eligible to apply up to one year after their retirement.

Primarily 30+ is aimed at retaining officers of Sergeant and Constable rank. However, the scheme is open to all ranks below ACPO level where a business case can be made for it. If a force wishes to retain an officer who holds a rank higher than Chief Inspector then they will need to supply a detailed business case to the Scottish Executive Police Division for consideration.

#### **Will officers receive their pension?**

Officer re-engaged under 30+ will receive a tax-free retirement lump sum, under Police Pensions Scheme commutation provisions but will not receive their full police pension nor will they be eligible to re-join the Police Pension Scheme. They will be eligible for partial lifting of their pension abatement, in order that the allowances they lost on retiring can be made good so they are re-engaged with the equivalent pay and conditions they received pre-retirement. Although they will not be able to re-join the PPS, they will be able to purchase additional benefits by taking out a personal pension.

#### **What happens to my "parked" pension in terms of its accruing value?**

On leaving the 30+ Scheme, pension entitlement will be calculated based on the salary payable on that date to an officer with 30 years service at the substantive rank held by the officer when the officer originally retired.

#### **How does an officer apply?**

In the first instance, an officer must apply to their force in writing. In order to retain those officers, who have the necessary skills and experience to be of future benefit to the force, the officer will need to be assessed as fully competent, in satisfactory health (as assessed by the Force Medical Advisor) and committed to further service.

#### **Would an officer need to be attested again?**

Yes, they would need to be re-attested upon their return from retirement.

An officer is interested in the 30+ scheme but the force does not wish to re-engage them. What should they do?

In such cases, an officer should contact their personnel department to register interest in the scheme. However, it is the decision of the force as to who they are prepared to retain under the scheme.

#### **How can officers find out the financial implications of re-engagement?**

Officers are strongly advised to seek independent professional financial advice prior to being re-engaged on the 30+ scheme. There are many factors involved and each case needs to be considered individually. All of these factors need to be assessed before an officer makes their decision.

**Are officers re-engaged under 30+ eligible to receive Special Priority Payments and Competency Related Threshold Payments?**

Officers re-engaged under 30+ will be eligible to receive both Special Priority Payments (SPP's) and Competency Related Threshold Payments (CRTP) in the same way as before their retirement. However, as these officers will have ceased to be members of the Police Pension Scheme upon their retirement, then these payments will not be pensionable.

If an officer is in receipt of a CRTP, they will, providing they continue to meet the standards required, receive this payment. Officers should be aware that their pension is based on basic pay plus CRTP over the previous 12 months. An officer will need to have received a CRTP for at least 12 months if they wish the full £1002 to be considered as part of their overall pension calculation.

**Can officers come back part-time?**

Yes. The pension arrangements work so that the officer working half time under 30+ would receive the part-timers salary and enough pension to make good the pro-rata amount of allowances he has lost on retirement. Consideration will be given to the issue of pension abatement for part-timers. Proposals for a sliding scale are under discussion in order to make the scheme more attractive for officers wanting to come back part-time.

**Officers returning at a lower grade?**

If an officer wished to remain in service under 30+ but the force had no requirement for officers at their rank then consideration should be given in the to allowing such an officer to retire and be re-engaged at a lower level. Whether these would be attractive to officers is debatable but such a facility should be made available.

**Can an inspector return as a sergeant?**

As for whether an inspector can return as a sergeant, there is nothing in the guidance to prevent such a situation, but the emphasis has been on a person keeping their former rank. We would advise forces that such an option should be considered very carefully and only after examining the business case for retention as an Inspector. The officer might also like to consider the pensions implications for retiring now.

Where there is not a sufficient case for retention as an Inspector it would seem perverse not to allow retention as a sergeant – as opposed to losing the officer altogether.

**How does pay work in this case?**

The presumption is that his pay and lifted abatement of his Inspector's pension to make good his pre-retirement replacement allowance would equate to that of a recently retired sergeant (we suggest at the top of the sergeants' scale if his combined service as sergeant and inspector so allows), and not that of an Inspector (otherwise you might as well keep him on as an Inspector). Similarly, his overtime would be as if he were a sergeant.

**What kinds of charges would make the officer unsuitable for 30+?**

It would not be feasible to provide a fully comprehensive list of the situations that could constitute a bar to the applications of officers. Although this may leave open the possibility of differing interpretations being taken, it is the intention that forces apply common sense when considering the applications from officers to remain on 30+. Above all, the scheme is intended as a management tool and therefore management need only offer participation to officers they believe remain fit for service, present a positive image and will serve responsibly.

However, the Federation has attempted to provide a steer in relation to the particular questions. First, it is important to bear in mind the wording of the guidance in introducing the passage:

If the scheme is to be effective, it will also be important that it apply only to those who are not liable to sanctions which would disrupt or undermine further service.

**What is covered by disciplinary sanctions on file?**

The phrase includes "current". It should be taken to constitute any action currently being taken against an officer in accordance with Section 31 of The Police (Conduct) Regulations 1999 (and which has not been overturned on review) serious breach.

**What is a serious breach? As there is no such definition in Police Regulations.**

No there is not a definition, but the regulations do make some distinction between less and more serious breaches in that they provide for legal representation at a hearing for some breaches - namely those which could result in dismissal, requirement to resign and reduction in rank. Such breaches are serious and the sanctions involved would seriously compromise the purpose of 30+, which is to retain good officers. Other breaches - especially if they are out of character - should not be regarded as fatal to a 30+ application. If they are in character, then there must be real doubt why management is bothering to retain the officer.

**What happens in the situation where an officer who has previously had a finding of guilt for misconduct, which has been expunged due to time?**

That is why we use the words "on file". If an officer has been demoted and the record of his or her punishment is now expunged then he or she is not debarred from applying. However, the decision as to whether an officer is selected will ultimately rest with Force management. The force would therefore need to study each individual case in light of all the relevant evidence and make their decision based on these factors

**Can officers be re-engaged in a different role than the one they held prior to retirement?**

Yes, the force has the discretion to use the officer in areas where their skills and experience will bring the most added value to the force.

**What happens to an officer's annual leave when they retire?**

This is a two-fold question, concerning the leave that an officer has amassed prior to retirement. As a matter of good practice, we suggest that forces ensure officers clear all their outstanding annual leave before re-engagement.

The second aspect concerns the amount of leave that an officer is entitled to upon being re-engaged on 30+. We would advise that the officer should receive the same amount of annual leave each year as they had been entitled to receive prior to retirement.

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A further issue concerns instances where an officer has taken more than the appropriate proportion of their leave for that year prior to retirement. Under the Police Regulations the force cannot reclaim this leave without leaving themselves open to challenge. This issue will require good management of the process.

**What is an officer required to sign as a contract prior to re-engagement?**

The officer will need to sign the notice of election under Police Pension Regulation G4 (this is contained at Annex C of the 30+ guidance document).

After consultation with the forces participating in the earlier Phases of the 30+ pilot schemes there is now a standard form for forces to use when re-engaging officers.

**How should a 30+ officer be classified for statistical purposes?**

Classifying officers re-engaged on 30+ in some of the current categories (e.g. as a new recruit) would not be accurate and could skew the forces overall officer data. The most logical method of resolving this issue would be for the officer to be classified as a rejoiner.

**Can a 30+ officer be promoted?**

Yes. Although the officer will have confirmed that they have no specific interest in promotion, they will still be eligible for promotion throughout their 30+ service. However, any promotion will have no effect on the officer's pension entitlement upon leaving the service as the decision to apply for the 30+ scheme means that any increases in rank will not be reflected in their pension. The 30+ scheme is only really suitable for officers who have no prospect of or interest in promotion, as pension will not be increased to take into account a promoted officer's revised salary.

An officer is also eligible to 'act up' to a higher rank on a temporary basis if required.

**Does an officer need to be medically examined prior to re-engagement?**

Yes. All officers applying should be aware that if they are selected to participate in the scheme, they will be required to undergo an examination by the Force Medical Adviser. This examination will be to ensure that they remain in satisfactory health for the purpose of the appointment. In considering this, the FMA would need to know the range of duties the officer would be expected to be available for and for up to how many years the appointment could last.

**Is 30+ available to a restricted duties applicant?**

Yes. The 30+ scheme requires you to be fit for the role you are currently performing. This does not necessarily equate to being declared fit to undertake all operational duties. The key is that further service should be operationally useful and should not expose an officer's disablement or health to undue risk of deterioration.

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The FMA will need to be aware of this when undertaking the examination. Attention should also be paid to the employment provisions of the Disability Discrimination Act as they now apply to police officers.

**For how long will a 30+ appointment last?**

Appointments will be for a term of up to four years, subject to annual renewal dependent on continued effectiveness. In some cases, the force may wish to grant the officer up to a further three years, again subject to annual renewal.

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However, it is correct to say that, at present, there are no provisions in the Police Regulations for fixed-term appointments for officers below chief officer rank. The power not to renew 30+

appointment will be derived from Regulation A19 of the Police Pensions Regulations (compulsory retirement on grounds of efficiency of the force). Due to the annual review system, A19 should normally be used only to terminate a re-engagement contract on a date before its expiry/renewal date.

**Why is there a seven-year limit for service on 30+?**

At present an officer can retire and be re-engaged from age 48½, the seven year limit on further service under 30+ could effectively take all officers (of ranks below Inspector) up until compulsory retirement age. Furthermore, there is the issue of public consumption. For example if officers were able to serve on the scheme for a further ten years from the point at which they could retire with a full pension (thereby completing 40 years service), then this could raise the issue of why police officers are entitled to receive their pension after 30 years.

At present, we feel that the 30+ scheme provides officers with security of tenure. However, the case for amending the limit for 30+ service will be kept under review particularly in the light of the Government's Proposals for a New Police Pension Scheme with a 35-year service period.

**Can an officer join 30+ if they reach 30 years service after age 55?**

Yes. Officers can rejoin under 30+ beyond the normal age of retirement for their rank, provided they have Chief Constable approval under A18. They will be subject to the same length of service constraints as would an officer serving an extension of service

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Will an officer who re-joins on 30+ need Chief Officer approval if they will be extending their service beyond compulsory retirement age?

Yes, upon reaching the compulsory retirement age for his/her rank, an officer will need to get an extension agreement from the Chief Officer of the police force in order to continue to serve. However, a contract of re-engagement may not extend beyond the maximum period of five years for which compulsory retirement on grounds of age may be postponed at the discretion of the chief officer of police (as under A18 of the Police Pension Regulations).