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SECTION 1 VERSION CONTROL

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1.0		James Lunn	HR Manager	Draft
1.3		James Lunn	HR Manager	Legal Check
1.5		James Lunn	HR Manager	JNCC
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SECTION 2 BACKGROUND

This Regulation A19 Procedure has been developed in response to the difficult economic times which both public and private sectors are experiencing. Nottinghamshire Police must make significant efficiency savings and the Police Authority has required the Force to balance its budget.

The Force needs to reshape our business and staffing profiles to deliver improved value for money. At the same time we need to improve performance and service delivery to the public across the County. The application of Regulation A19 for Police Officers, along with Voluntary Redundancy and Compulsory Redundancy for Police Staff are intended to facilitate a coherent transformation of Nottinghamshire Police, strengthening operational services at the local level, whilst delivering more cost effective and efficient organisational support and corporate services functions.

Regulation A19

The Police Pensions Regulations 1987 (as amended) include provision for the compulsory retirement of qualifying officers in the interests of the efficiency of the force.

It applies only to officers who if required to retire would be entitled to receive a pension of an amount not less than two thirds of their average pensionable pay and applies to all ranks excluding Chief Officer who have chosen not to leave the Force at the accrual of their full pensionable service. This definition is set out below:

Compulsory retirement on grounds of efficiency of the force - A19

(1) This Regulation shall apply to a regular police man, other than a chief officer of police, deputy chief constable or assistant chief constable, who if required to retire would be entitled to receive a pension of an amount not less than 2/3rds of his average pensionable pay or would be entitled to receive a pension of such an amount if it did not fail to be reduced in accordance with Part VIII of Schedule B (reduction of pension related to up-rating of widows pension) or if he had not made an election under Regulation G4(1).

(2) If a police authority determines that the retention in the force of a regular officer to whom this Regulation applies would not be in the general interests of efficiency, he/she may be required to retire on such date as the police authority determine.

There will be circumstances where officers have less than 30 years service with Nottinghamshire Police, but have relevant pensionable service from a previous occupation, e.g. a military pension. Such officers will also be affected by Regulation A19.

Conversely, there may be officers who have in excess of 30 years police service, who for a number of reasons may not have reached the required pensionable service, e.g. as a result of maternity leave or career break. Regulation A19 will only apply to these officers when they reach the required pensionable service.

In the case of part-time officers, their average pensionable pay is based on that of a full-time officer, and therefore the required pensionable service will accrue over an extended period of time (i.e. in excess of 30 years),

Officers in the 30+ Scheme are included within the scope of application of the Regulation A19.

SECTION 3 APPLICATION OF REGULATION A19

Officers who have reached the required pensionable service will be required to retire on 12 June 2011. From 13 June 2011, Regulation A19 will be applied on a rolling basis and officers will be required to retire on the date they reach the relevant pensionable service (in most cases 30 years pensionable service). Officers will be informed in writing at the earliest opportunity, but no later than 90 days prior to the retirement date.

These arrangements will be subject to an annual report to the Police Authority and will be reviewed on an ongoing basis by the Chief Constable.

SECTION 4 AIMS / OBJECTIVES OF THIS DOCUMENT

This procedure aims to enable the Force to comply with legislation and implement Regulation A19 fairly and effectively. This document seeks to ensure that:

- Regulation A19 is managed sensitively, fairly and consistently
- there is a clear procedure for the application of Regulation A19
- there will be regular communication and consultation with the Police Federation and Police Superintendents Association
- the process is carried out objectively to meet business and operational needs
- appropriate support is given to officers
- there is compliance with legal requirements.

SECTION 5 PROCEDURE GUIDANCE

5.1 Initial Consultation – Staff Associations

Before any formal decisions are taken on the invocation of Regulation A19 a member of the Chief Officer Team will meet with the Police Federation and Police Superintendents Association.

The purpose of this meeting is to notify of the business case for the application of Regulation A19, to seek views and confirm the possible implications for individual officers.

The Staff Associations will have reasonable time to consider and respond to the proposal.

Where the proposal means that 20 or more Police Officers may be compulsorily retired under Regulation A19

- a. Consultation will begin at least 30 days (90 days if 100 or more Officers) before the first compulsory retirement takes effect
- b. Formal notification must be issued to Police Federation and Police Superintendents Association.
- c. The proposals will be subject to consultation with the Police Federation and Police Superintendents Association.

In addition, Nottinghamshire Police will provide Police Federation and Police Superintendents Association with the following information in writing.

- the reason for the proposals (including the business reasons);
- the numbers and descriptions of Police Officers whom it is proposed to compulsory retire;
- the total number of Police Officers affected;
- the proposed method of selecting officers (if applicable);
- the proposed method of carrying out the compulsory retirement including the period over which the compulsory retirements are to take effect.

Formal consultation will be undertaken with a view to reaching agreement about ways to:

- avoid the proposed compulsory retirements
- reduce the numbers of Police Officers to be compulsory retired
- mitigate the consequences on the individuals concerned

Agreement is Nottinghamshire Police's preferred goal. However, management reserves the right to implement its proposals where agreement has not been reached after meaningful consultation has taken place and where the process is considered to have been exhausted.

5.2 IMPLEMENTATION

5.2.1 Initial Consultation – Police Officers

Each officer within the scope of the Regulation will be invited to attend a one to one consultation meeting with a senior Police Officer (Superintendent or above). For Superintendent ranks the senior Police Officer will be a member of the Chief Officer Team. The affected officer has the right to be represented by a member of the Police Federation/ Superintendents Association or a work colleague.

At the consultation meetings the senior Police Officer should present the proposal to apply Regulation A19 and invite questions. The following information must be presented:-

- Business reasons for the proposal
- Proposed time scales
- Support arrangements e.g. welfare, counseling (Care First) and outplacement support etc.

The senior Police Officer will write to the Officer after the meeting with a summary of the meeting and timetable for decision-making. A record will be kept of the initial consultation meeting.

Following this initial consultation meeting, a 14 days response period will apply. Written representation, which may include alternative proposals can be submitted by individuals and/or from the Police Federation/Superintendents Association.

5.2.2 Formal Decision Making

At the conclusion of the consultation process a member of the Chief Officer Team will make a formal decision on Regulation A19 affecting Officers.

In the case of each affected officer the decision will be taken solely in relation to the business case for applying Regulation A19 and any representations made by or on behalf of the officer.

The officer will be formally notified of the decision, in writing, within 7 days. The letter to the officer will include a summary of the reasons for the decision.

For Officers who are to be compulsorily retired under Regulation A19, the letter will provide formal notification of compulsory retirement under Regulation A19, timescales, and additional support.

Officers will be provided with 90 days notice.

5.3 APPEALS

Officers will have a right of appeal against the application of Regulation A19. The appeal should be submitted in writing to the Chief Constable within 7 days of receipt of the letter of formal notification of compulsory retirement under Regulation A19.

The written appeal from the Officer, or their representative, must outline:

- Why the Officer feels Regulation A19 would not apply in their case; and
- Why the Officer feels the decision to compulsorily retire him/her is unreasonable and would not be in the interest of efficiency of the Force.

Upon receipt of the written appeal, the Chief Constable or their representative will consider the written appeal, with reference to the business case and any representations put forward, and determine whether it is in the interest of efficiency of the Force to compulsorily retire the officer. The decision maker will confirm their decision, in writing, within 7 days of receipt of the written appeal. **There will be no further right of appeal**

5.4 ASSISTANCE TO OFFICERS

The Force recognises that this will be a very unsettling time for individuals who have planned to continue as a serving officer, and are acutely aware that these decisions affect people and their lives very deeply.

Officers subject to Regulation A19 will receive help and advice by their managers and Human Resources. Additional external advice and assistance may be obtained, in appropriate cases. This may include:

- Help and guidance with completing application forms, interview skills training and career counselling;
- Support from an Employee Assistance Programme (e.g. Care First) ; and
- Outplacement support via Guideline Careers or other assigned outplacement organisation

SECTION 6 LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the general and specific duties in:

- The Police Pensions Regulations 1987 (as amended)
- Equality Act 2010