



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-02920

Keyword: Human Resources

Subject: WORKING BEYOND 65 YEARS OF AGE

Request and Answer:

Question 1

PSNI policy relating to serving officers working beyond 65 years of age. I would be obliged to receive the policy document (copy) if available, for both regular force and reserve (Full and part time)

Answer

Document attached below.

Question 2

Total number of officers who have served beyond 65 years following implementation of Age discrimination legislation. Please distinguish between PSNI regular officers and/or full time/part time reserve officers.

Answer

Regular Officers	Nil
Full Time Reserve	Nil
Part Time Reserve	9 Officers as at 23 September 2009

These Officers are the only Officer's to have served beyond 65 years since the legislation was introduced

Question 3

Total number of officers aged 65 years plus, who are presently serving. Again please distinguish between regular officer and/or full time / part time reserve.

Answer

Regular Officers	Nil
Full Time Reserve	Nil
Part Time Reserve	9 Officers as at 23 September 2009

These Officers are the only Officer's to have served beyond 65 years since the legislation was introduced

Question 4

Number of litigation cases taken against the PSNI, if any, alleging age discrimination by serving/former officers. Please distinguish between regular officers and full/part time reserve.

Answer

10 Cases Alleging Age Discrimination
3 Serving Officers (Regular Officers)
7 Former Officers (4 Regular Officers and 3 Full Time Reserve Officers)

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psni.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

Police Service of Northern Ireland

Policy for Public Disclosure.
Procedure and Guidance
for Internal use only

HQ Ref: HRP/01/07

SP 65/2007

SERVICE PROCEDURE

EXTENSION OF SERVICE FOR POLICE OFFICERS

1. SERVICE PROCEDURE IDENTIFICATION

SERVICE PROCEDURE TITLE:	Extension of Service for Police Officers
PROCEDURAL OWNERSHIP:	Director of Human Resources
DEPARTMENT	Human Resources
BRANCH	Personnel Branch
AUTHOR	Chief Inspector Robert Wilson
PROCEDURE APPROVED BY:	Deputy Director Human Resources
CCF REF/OTHER	CCF
DATE OF APPROVAL	16 April 2007
IMPLEMENTATION DATE:	17 September 2007
DATE OF ISSUE:	17 September 2007
AMENDED AND REISSUED:	31 July 2009
REVIEW DATE:	1 August 2010

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2. AIM OF SERVICE PROCEDURE

- (1) The aim of this Service Procedure is to inform all police officers of their entitlements to apply for an extension of service under the Employment Equality (Age) Regulations (Northern Ireland) 2006.
- (2) The Service Procedure outlines the processes for police officers, HR Managers and other practitioners when making application for Extension of Service.

3. INTRODUCTION

- (1) The Employment Equality (Age) Regulations (Northern Ireland) 2006 make it unlawful to discriminate on the basis of age in employment. Although the Regulations do apply to police officers, there are some provisions, which do not. However, the spirit of the Regulations will be followed in the areas in which they do not apply.
- (2) The arrangements do not affect pension rights or eligibility to apply for the Voluntary Severance Scheme under current procedures. Officers will not be disadvantaged if they choose to retire as they expected to at their 'former' compulsory retirement age.

4. LEGAL BASIS

The following legislation was considered when developing this Service Procedure:

- (1) The Employment Equality (Age) Regulations (Northern Ireland) 2006 provides the legislation for this Service Procedure.
- (2) Disability Discrimination Act 1995 (as amended by the Disability Discrimination Act 1995) (Amendments) (NI) Regulations 2004.
- (3) Human Rights Act 1998.
- (4) Health and Safety at Work Act 1974.

5. POLICY LINKS

This Service Procedure should be read in conjunction with:

- (1) Policy Directive 07/06 – Disability Discrimination Act – Management of all Staff – (Police and Police Staff);
- (2) Policy Directive 08/07 - Managing Sickness Absence and associated Service Procedure No 43/2007 – Unsatisfactory Attendance Procedure – Police Officers.

6. CONSULTATION

- (1) PSNI Senior Management Team;
- (2) Northern Ireland Office – Police Division;
- (3) Northern Ireland Policing Board (NIPB);
- (4) PSNI Human Rights Legal Adviser;
- (5) Police Federation for Northern Ireland;
- (6) Superintendents' Association of Northern Ireland;

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- (7) Occupational Health and Welfare;
- (8) Health and Safety Unit;
- (9) Equality and Diversity Unit.

7. HUMAN RIGHTS/EQUALITY/CODE OF ETHICS/FREEDOM OF INFORMATION

- (1) This Service Procedure is deemed to be Human Rights compliant.
- (2) The Service Procedure had been screened for Section 75 considerations and complies with the PSNI's Code of Ethics.
- (3) These procedures and guidance are suitable for disclosure in accordance with the Freedom of Information Act 2000.

8. PROCEDURE AND/OR GUIDANCE

(1) Compulsory Retirement Age (CRA)

- (a) The **CRA** can only be extended at the discretion of the PSNI Chief Constable and where applicable in conjunction with the NIPB. The age limits have been set by the Northern Ireland Office (NIO) in consultation with the Police Negotiating Board. The Police Pensions Regulations will set the **(CRA)** as follows:
 - (i) 60 years of age for (Constable including Full Time Reserve up to and including Chief Inspector);
 - (ii) 65 for (Superintendent and Chief Superintendent).
- (b) The CRA for all ACPO ranks is 65 years of age with Extension to Service requiring sole approval of the NIPB.
- (c) The CRA is also set as 65 years of age for Police Officers Part Time within the Police Service of Northern Ireland Reserve (Part Time) Regulations 2004. Extensions to service require sole approval of the PSNI.
- (d) In effect, this means that every officer will have a **Compulsory Retirement Date (CRD)** on either their 60th or 65th birthday, depending on their rank. There will be no requirement to apply for Extensions of Service until 6 months before the new CRA.
- (e) Extensions of Service beyond the CRA will allow the Extension of an officer's Service beyond the CRD in certain cases where there is an operational need to retain the officer beyond their CRA.
- (f) As the CRD for FTR officers and contract renewal date is highly likely to be different, this genre of officer must have successfully attained both Extensions to Service and contract renewal to remain in service.
- (g) As there may be particular circumstances in respect of the phase out of the FTR the PSNI reserves the right to adjust the termination date of any Extension of Service in line with any 'phase out' process.
- (h) The following paragraphs will outline the procedures for application for Extension of Service and revised criteria that must be included on the application form.

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(2) Notification Process

- (a) All forms used for the Extension to Service process are designed, if applicable, to be used electronically.
- (b) HR Managers will notify an officer in writing of their new **CRD up to 9 months in advance and certainly no less than 6 months**. The Notification Letter (Appendix 'A') will inform the officer of the possibility to extend their service beyond their CRA. At the same time officers will be reminded that the PSNI/NIPB, as applicable, will consider any request to extend service beyond the CRA (using set criteria), and that they may refuse the request.
- (c) This notification will also remind Regular and FTR officers that the new CRA does not affect pension age, and also of the requirement to notify the Pensions Branch 3 months in advance of their retirement date if they intend to commute part of their pension.
- (d) Officers should consider seeking both pensions and independent financial advice before making application for Extension to Service.
- (e) Officers will be required to respond to the notification of their CRD in good time to inform PSNI of their intentions. (Notification Letter Appendix 'A') This should be within 1 month of notification and certainly **no later than 3 months after notification** if they decide to seek Extension of their Service beyond the CRD.
- (f) Officers who wish to extend their service must request an extension in writing using the 'Application to Retire or Extend Service beyond CRA' (Form 91/2 available on PoliceNet) as soon as possible after receiving notification of their CRD from their HR Manager. **A request for Extension of Service must be considered before the officer retires.**
- (g) They should also indicate whether they would want to be considered for future service only if they remain in their current role or if they would wish to stay on if exceptionally required to be redeployed. **Officers on Extensions of Service remain liable to redeployment where operational resilience dictates.**
- (h) The request should be returned to the HR Manager within 1 month. **Applications received after 3 months may not be accepted.** Upon receipt the HR Manager should forward the completed form to zPoliceAppointments.
- (i) Unless the officer has requested a shorter term a maximum of 2 years will be the 'default' time period for the first Extension to Service. A maximum of 1 year will be the 'default' time period for Extension to Service thereafter.
- (j) If the officer is **not notified** of their CRD and of their ability to request to continue in service at least 6 months before their CRD, they will still be able to make their request at any point before their CRD. If the officer does make a request, they will continue in service at least until the day after they are notified of the decision on their request to continue in service. Sufficient time will be allowed for any appeal and HR may consider (if necessary) to allowing the officer a short-term extension in order to permit an appeal.
- (k) If the officer has previously made application for Severance and now intends to apply for an Extension of Service a copy of the notification letter (Appendix 'A') should also be forwarded to the respective Severance office.
- (l) Once an Extension of Service is requested and granted this notification process must be repeated each time an officer reaches a new CRD, unless the extension granted was previously renewed within the last 6 months.

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(3) Criteria for Extension of Service

- (a) Each of the six criteria for Extension to Service must be satisfied for a successful application to proceed. These criteria are:
- (i) Assessment of skills and role;
 - (ii) Assessment of performance;
 - (iii) Role-Related Risk-Assessment;
 - (iv) Medical Assessment;
 - (v) Attendance;
 - (vi) Vetting.
- (b) After receiving the officer's application on Form 91/2 'Application to Retire or Extend Service Beyond Compulsory Retirement Age', the Form 91/1 'Extension of Service Application and Review Form' should be forwarded by the HR Manager to the line manager as soon as possible.
- (c) The line manager will arrange a meeting with the officer to discuss their application as soon as reasonable (unless not practicable) and explain the criteria to be used within a reasonable period of receiving it, (seeking Central HR advice if necessary). The line manager should complete Extension of Service Application and Review Form (Form 91/1) setting out what skills and experience the applicant can offer to the service. The relevant criterion is set out in the following paragraphs. (All forms available on PoliceNet).

(i) Assessment of skills and role

The operational effectiveness of the PSNI is a key factor, which includes their financial viability for retention. Line managers should therefore consider:

- (aa) The officer's experience competencies and skills against Service requirements;
- (bb) How the retention of the officer would benefit the Service as a whole;
- (cc) That a suitable role has been identified for the officer that matches their skills;
- (dd) Where the current post does not match, other viable roles may be considered.

(ii) Assessment of performance

(aa) Previous performance is a key indicator of suitability for retention but must be considered objectively. Consideration for retention, by the line manager must therefore be given to:

- (A) Completion of a satisfactory APR/Appraisal within the last 12 months;
- (B) Where the applicant is subject to Unsatisfactory Performance Regulations this should also be highlighted.

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- (bb) The suitability of each officer should be determined on its own merits. The line manager must complete the relevant sections of the Extension of Service Review Form within 2 weeks of receipt. The form should then be forwarded to the applicant's HR Manager with a clear recommendation. The information in the appropriate sections relating to the criteria can then be used in assessing the application.

(iii) Role Related Risk-Assessment

- (aa) The HR Manager should task the local risk assessor to carry out a role related risk assessment in accordance with service instructions. This risk assessment should concentrate on the main role the officer may have to perform. If there are secondary roles only specific risks require to be covered.
- (bb) Once completed the HR Manager should give consideration to:
 - (A) The medical assessment in proportion to the role related risk assessment and the role(s) the officer would perform or potentially perform
 - (B) Their capabilities within that role taking into account any DDA 'reasonable adjustment'
 - (C) The risks involved and options for management of such risks
- (cc) The suitability of each officer should be determined on its own merits and a clear recommendation made on this criterion.

(iv) Medical Assessment

- (aa) The application should only proceed to medical assessment where a potentially suitable role has been identified for the officer.
- (bb) The officer's ability to carry out police duties within the identified role is another key area. It must be established that the officer is mentally and physically capable for the role(s) they will or could potentially perform. The HR Manager should ensure an appointment is made with OHW as soon as the officer has made notification of intention to apply for an Extension of Service.
- (cc) Consideration by the HR Manager should be given to:
 - (A) The results of the required medical examination (carried out by OHW), proportionate to the role or roles the officer will be performing;
 - (B) Where the officer has been assessed by OHW as 'disabled' under the Disability Discrimination Act, any 'reasonable adjustment' should also form part of the decision making process;
 - (C) Where there is a requirement for a DDA 'reasonable adjustment' this should comply with current Service policy;
 - (D) A final decision cannot be made until the applicant has been medically assessed.
- (dd) Applicants should not be refused an extension simply on the basis of not being able to carry out all the duties of a member of the Service. The final decision will depend upon a role-related risk assessment.

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(v) Attendance

- (aa) Applications for Extensions of Service are subject to the provisions of the Management of Sickness Absence Policy – Policy Directive 08/07 and associated Unsatisfactory Attendance Procedure – Police Officers – Service Procedure No 43/2007.
- (bb) The applicant must meet the provisions of the Management of Sickness Absence Policy before their application for an Extension of Service can proceed for recommendation. Any further appeals to the refusal of an Extension of Service will not re-consider sickness absence.
- (cc) Where there is a significant change in the attendance history between the date the absence was mitigated and the date of approving the Extension of Service the application may be subject to review. It will be the responsibility of the HR Manager to inform HR Department and provide an undated recommendation.

(vi) Vetting

- (aa) Officers applying for Extensions of Service are subject to successful outcome of appropriate vetting checks carried out by the HR Department. The HR Manager should forward details of the officer's name, rank, service number and date of birth to zPoliceAppointments for checks to be completed.
- (bb) In the event of any adverse vetting, HR Department will consult with the HR Manager or the member of the Senior Management Team responsible for recommending the Extension to advise them in their decision-making. Nil returns will be forwarded direct to HR Managers.
- (cc) Early referral for vetting is essential as it involves contact with outside agencies such as Police Ombudsman for Northern Ireland (PONI) and a period of up to 4 weeks can be expected to have returns made.

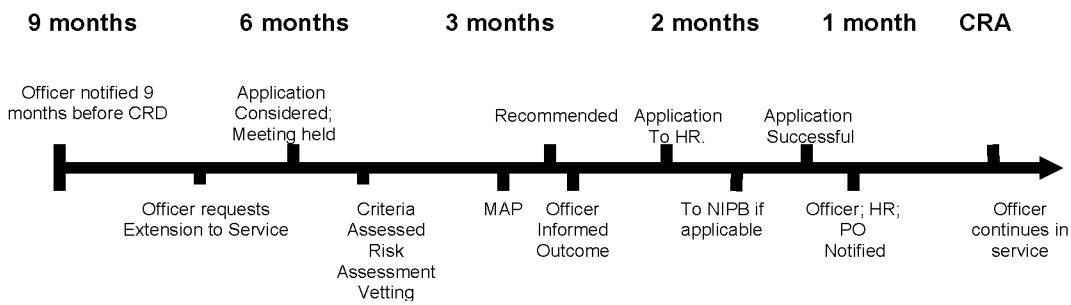
(4) Recommendations

- (a) The HR Manager must consider all the six criteria before making a recommendation on the Extension of Service Application and Review Form. It must then be forwarded to a member of the officer's Senior Management Team of at least the rank of Superintendent or Head of HR, who will be required to review the application and give their recommendation.
- (b) Where the Extension of Service is **not** recommended a clear explanation for the decision should be given.
- (c) The HR Manager should inform the applicant in writing of the recommendation and if unsuccessful or if requested by the officer, arrange a meeting to discuss the outcome of their application. The officer will continue in service until their CRD.
- (d) The Extension of Service Review Form should be forwarded electronically to the HR Department zPoliceAppointments at least 10 weeks prior to the CRD for final verification and update of records.

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- (e) Where the application has been recommended it will be forwarded to the Chief Inspector, Personnel Branch at least 8 weeks prior to the CRD for approval under delegated authority from the NIPB. Where there is a DDA consideration Chief Inspector, Personnel Branch will forward their recommendations to NIPB for final approval.
- (f) An Extension of Service must have both the approval of the PSNI and/or NIPB, as applicable. Either body can refuse an application. Where it is refused, a clear explanation for the decision will be given.
- (g) If NIPB is the final decision maker, they will inform Personnel Branch HR Department of their decision to recommend or refuse the application. HR Department will then inform the HR Manager who will ensure the officer is told of the final decision in writing as soon as practicable.
- (h) If PSNI is the final decision maker, they will inform the HR Manager who will ensure the officer is told of the final decision in writing as soon as practicable. The officer will continue in service until their CRD or date of this notification if beyond the CRD. In this instance a short Extension of Service may be approved by HR Department to cover this intervening period.
- (i) While PSNI and NIPB will give applications due consideration, they are not obliged to grant them. Each application, including the duration, will be judged against the organisational need.
- (j) When considering requests for Extension of Service, PSNI will ensure that they operate in accordance with Service Policies and Procedures such as the Equal Opportunities Policy – Policy Directive 04/06.
- (k) The timeline below shows how the process should proceed in respect of a successful application.



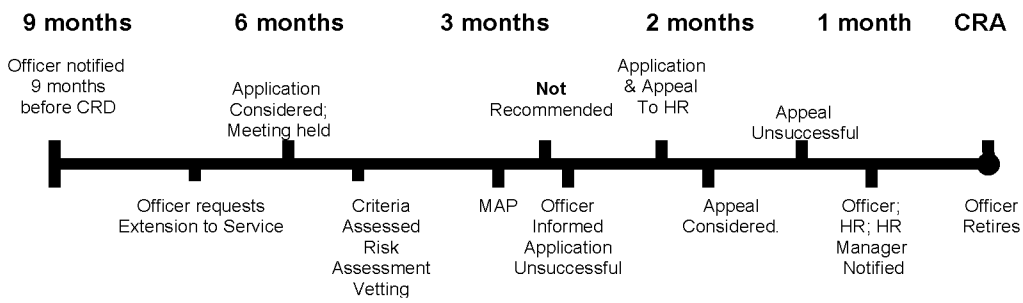
(5) Appeals

- (a) If an officer's request to continue in service is not successful, they may appeal against the decision. The officer may appeal the decision if their request to continue in service is refused in its entirety or if accepted only for a shorter period than the default extension period.
- (b) There is however no additional MAP appeals mechanism, unless it relates specifically to a procedural matter.
- (c) A medical appeal will be allowed if an Extension of Service is refused solely on the basis of a medical assessment by the OHW Medical Advisor (MA) and the officer contests this by producing another medical practitioner's opinion directly contradicting the opinion of the OHW MA. The appeal should in the first place be in the form of a review by the OHW MA of their decision in the light of the fresh medical opinion. If the OHW MA declines to alter their opinion the case should be referred to another OHW MA not directly connected with the case for their final opinion.

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- (d) Where the decision to refuse the application has been made by the PSNI, the Director of Human Resources or Deputy or their nominee will conduct the appeal.
- (e) Where the decision to refuse the application has been made by the NIPB their appeals panel will conduct it.
- (f) The officer must lodge appeal papers within 14 days of the date of the written notification that the Extension of Service has not been recommended or granted, to the relevant appellent authority.
- (g) The officer, HR Department and HR Manager will be informed in writing of the outcome of the appeal within a further 14 days.
- (h) Officers should remain in service until the application process (including any appeal) has been completed. The timeline below shows how the process should proceed; it shows an unsuccessful application by the PSNI so as to demonstrate the appeal process. If this process cannot be completed before the CRD by the PSNI or NIBP, the officer may be granted a temporary Extension of Service.



- (i) At least a month's written notice will be given of termination of services.
- (j) In general officers will remain in service during the application process, however the Chief Constable has no obligation to extend employment beyond the CRD.

(6) Curtailment of Extension to Service

The power to remove officers from service applies equally to officers on extension as to other officers in service. The normal Service policy and procedures will be applied to officers on Extensions of Service in the same way as any other officer.

(7) Resignation

Officers who have a new CRA will be able to resign from the Service, following the proper procedure (ie giving at least 1 month's notice), like any other officer.

(8) Transfers Appointments and Promotions

Opportunities for transfer and promotion apply equally to officers on Extension of Service as to other serving officers. In order to provide an effective and efficient service, appointments to specialist posts will be dealt with on an individual basis. Where an officer is successful in such an application it will be necessary to conduct a review of the previous conditions of the extension in respect of that new post.

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(9) Assistance

- (a) Any queries or concerns relating to pension rights should be referred to Pensions Branch.
- (b) Any queries or concerns relating to Severance should be referred to The Voluntary Severance Unit.
- (c) Any queries or concerns relating to Full Time Reserve officers should be referred to the Reserve Office.

9. MONITORING/REVIEW

- (1) This Service Procedure will be reviewed 12 months from the date of publication.
- (2) Interim reviews may also be prompted by feedback, challenge or change in legislation.
- (3) Feedback or queries unless otherwise specified within the Service Procedure should be addressed to the Deputy Director of Human Resources.

Service Procedure No 65/2007

Index Entries/

'E' - Extension of Service for Police Officers

'S' - Service Extensions – for Police Officers

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NOTIFICATION OF YOUR COMPULSORY RETIREMENT DATE

Date / /

Dear,

Name Rank Number

As you will now know, Service Procedure 65/2007 sets out details of the compulsory retirement ages (CRA) for police officers and the procedures to be adopted when applying for an Extension of Service beyond the CRA.

I wish to inform you that your Compulsory Retirement Date (CRD) is ___/___/____. If you wish to be considered for an Extension of Service you need to apply now.

The attached Application Form (to be completed whether you wish to retire or extend your service beyond your CRD) should be returned to this office within 1month and certainly no later than ___/___/____ (within 3 months of date of this notification). If your form is not received within the time frame, it will be assumed that you wish to retire from the service on or before your CRD.

If it is your intention to retire you are still required to notify the PSNI at least 1month prior to your CRD.

If you are making an application for Extension of Service, please also complete the Extension of Service Application and Review Form 91/1. Please note that your application will be considered by the Chief Constable/ Northern Ireland Policing Board (NIPB), as applicable, using the criteria set out in Service Procedure 65/2007. The PSNI and/or the NIPB will consider any request to extend service beyond the CRA (using the set criteria), and are entitled to refuse the request.

All officers should consider seeking both pensions and independent financial advice before making an application for Extension to Service.

Pensions Rights - Regular or FTR officers

Although the CRA has been changed it is important to understand that your pension age has not been affected in any way.

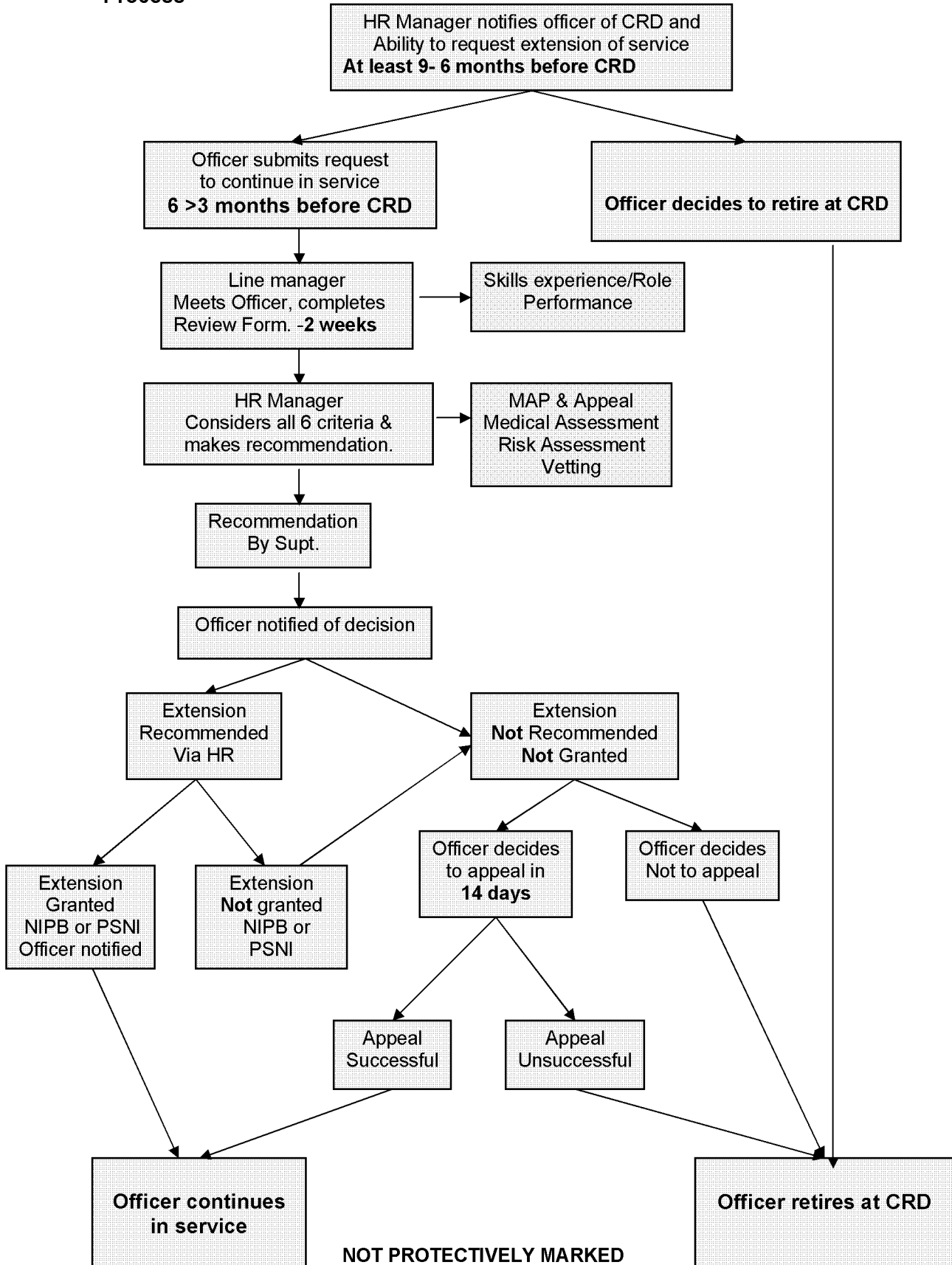
You are required to notify the Pensions Branch at least 3 months in advance of your retirement date if you intend to commute part of your pension. If you require more information on pension concerns, please contact Pensions Branch.

Severance

If you made an application for Severance and now intend to apply for an Extension of Service a copy of this notification letter should also be forwarded to the respective Severance office.

HR Manager
District/Department

Extension of Service Process



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