

Nottinghamshire Police and Crime Commissioner

Notice of Decision



Nottinghamshire
POLICE & CRIME COMMISSIONER

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For Decision or Information	Decision
Date received*:	25th February 2014
Ref*:	2014.007

*to be inserted by Office of PCC

TITLE: Regulation A19 Appeal Against ET Decision

EXECUTIVE SUMMARY:

The Police and Crime Commissioner for Nottinghamshire is asked to consider a decision with regards to lodging an appeal against the Employment Tribunal ruling that the Force's decision to make use of A19, requiring officers with more than 30 years' pensionable service to retire, was unlawful.

On 5th February 2014 the Tribunal found that the use of Regulation A19 breached age discrimination laws. Nottinghamshire has since taken further legal advice and has been advised that there are grounds for an appeal, based on points of law. The Tribunal Rules give Forces 42 days in which to lodge an appeal.

Based on the further legal advice received, it is therefore recommended that Nottinghamshire lodges an appeal to the Employment Appeals Tribunal (EAT) along with the four other Forces, Devon and Cornwall, West Midlands, North Wales, and South Wales.

INFORMATION IN SUPPORT OF DECISION: (e.g report or business case)

Restricted documentation – cost benefit analysis document and the legal advice for the grounds of appeal.

Is any of the supporting information classified as non public or confidential information**?

Yes	✓	No	
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The supporting information is classified as non public information under categories 3 ('information relating to the financial or business affairs of individuals or organisations (including the Police Force and the Police and Crime Commissioner') and 5 ('information to which legal professional privilege applies').

DECISION:

That the Nottinghamshire Police and Crime Commissioner approves the decision to lodge an appeal to the EAT against the ET's ruling that the Force's decision to make use of A19, requiring officers with more than 30 years' pensionable service to retire, was unlawful.

DECLARATION:

I confirm that I do not have any disclosable pecuniary interests in this decision and I take the decision in compliance with the Code of Conduct for the Nottinghamshire Office of the Police and Crime Commissioner. Any interests are indicated below:

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The above request has my approval.



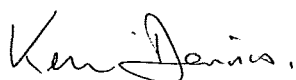
Signature:

Nottinghamshire Police and Crime Commissioner

Date: 3rd March 2014

OFFICER APPROVAL

I have been consulted about the proposal and confirm that the appropriate advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner.



Signature:

Chief Executive

Date: 3rd March 2014

** See guidance on non public information and confidential information.