



Re-engagement, Re-employment, and Abatement Policy

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1 Introduction

1.1 Policy Statement

On 6 April 2006, the Government relaxed the [rules on pension commutation](#) whilst continuing in employment. As a result, Avon Fire & Rescue Service (AF&RS) has elected to exercise the discretion allowed within these provisions and will enable employees in the [Fire-fighters' Pension Scheme \(FPS\)](#) to retire from the scheme, commute their lump sum pension and be re-engaged, or re-employed following a break in service of at least one month.

1.2 Definitions

Re-engagement is where an operational employee retires and returns to the 'same or similar job' to that undertaken prior to retirement, irrespective of whether there has been a change in terms/conditions, hours, location etc. Re-engagement at Area Manager or above is only in exceptional circumstances, in the interests of public safety, and has not been possible to fill the role through internal and external advertisement. The decision can only be made by the CFO/CE and any re-engagement must be limited to a time limited fixed term contract without option to extend and abatement of pension **must** apply.

Re-employment is where an operational employee retires and returns to a 'substantially different role.' For all staff levels, applications will be accepted if the vacancy is advertised externally and if successful re-employment will be on the advertised terms for the role, including duration pay and pension. Abatement of pension **must** apply. A reduction or change in hours, job title, grade/rank or work location is not considered a substantial difference. The salary and the pension in payment (plus inflation) cannot be more than the salary on retirement. If there is an excess, then the pension in payment will be reduced to bring the level back in line with the salary on retirement.

Abatement means that upon return to work following retirement from any Fire and Rescue Authority (FRA) a retiree cannot receive annual remuneration (salary and pension combined) more than their remuneration received immediately prior to retirement. If the total amount of salary and pension upon re-engagement/re-employment exceeds the remuneration received prior to retirement the pension must be reduced/abated accordingly (this could mean that you will receive a reduced pension or only receive your pension lump sum, and your pension annuity is in effect 'frozen' until you cease employment). **It should be noted that the rules of abatement do not apply in the Firefighters Pension Scheme 2015 (only the 1992 and 2006 Schemes).**



2 Scope

The aim of this policy is to provide information to personnel contemplating retirement so they may consider whether they wish to continue working, withdraw their lump sum and abate their pension.

This policy does not apply to the [Firefighters' Pension Scheme 2015](#).

3 Responsibilities

- The Head of Human Resources has overall responsibility for keeping the provisions within this policy in line with employment/pension legislation and best practice.
- Line managers, the Human Resources (HR) Department and Trade Union Representatives are responsible for providing advice and guidance to employees on the application of this policy.
- Employees should make themselves aware of its content and ensure that all aspects are adhered to and to ensure the effectiveness of this policy.
- Employees considering re-engagement or re-employment are responsible for obtaining their own independent advice on the tax and other financial implications of re-engagement or re-employment. AF&RS will not accept liability for tax or other financial charges incurred by individuals.

4 Core Code of Ethics

AF&RS has adopted the Core Code of Ethics for Fire and Rescue Services. The Service is committed to the ethical principles of the Code and strives to apply them in all we do, therefore, those principles are reflected in this Policy.

5 Equality and Inclusion

AF&RS has a legal responsibility under the Equality Act [2010](#), and a commitment, to ensure it does not discriminate either directly or indirectly in any of its functions and services, nor in its treatment of staff, in relation to race, sex, disability, sexual orientation, age, pregnancy and maternity, religion and belief, gender reassignment or marriage and civil partnership. It also has a duty to make reasonable adjustments for disabled applicants, employees, and service users.

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6 Fire and Rescue National Framework for England

- 6.1 The Fire and Rescue National [Framework](#) for England 2018 states *'Fire and rescue authorities must not re-appoint principal fire officers after retirement to their previous, or a similar, post save for in exceptional circumstances when such a decision is necessary in the interests of public safety. Any such appointment must be transparent, justifiable and time limited.'*
- 6.2 However, in the exceptional circumstance and in the interests of public safety, a Principal Officer ¹(PO) may be re-appointed at the discretion of the CFO/CE, as reflected in the new Scheme of Delegation which underpins the Authority's commitment to 'operational independence'. The Scheme of Delegation provides for the CFO/CE to *'exercise all matters of day-to-day administration and operational management of services and functions.'*
- 6.3 The reasons why the re-appointment was necessary, and alternative approaches were deemed not appropriate, must be published and the PO's pension **must** be abated until they cease to be employed by AF&RS. Any re-engagement will be **up to, and no more than** a 24-month fixed term contract.

7 Policy Principles

The aim and objectives of this policy are to provide information to employees contemplating retiring, accessing their lump sum and pension, and being re-engaged/re-employed by AF&RS.

Fire and Rescue Services could exercise its discretion not to abate when it occurs in accordance with the regulations of the Firefighters' Pension Schemes. **However, it should be noted that this discretion will not be exercised by the CFO/CE, and therefore re-engaged/re-employed staff MUST accept pension abatement.**

8 Protected Pension Age (PPA)

The minimum age at which a pension can be taken was increased on 6 April 2010 from 50 to 55. Therefore, some members taking a pension and/or lump sum benefit before the normal minimum pension age may be liable for a tax charge (unless retirement was on the grounds of ill-health).

Members paying into a scheme that allowed them to take their benefits without consent before the age of 55 were entitled to keep their earlier normal minimum pension age, providing they were a member of that scheme on 5 April

¹ 'Principal Officers refers to those officers at Brigade or Area Manager level, and above, or those with comparable responsibilities to those roles'.



2006. This is known as the member's '[Protected Pension Age \(PPA\)](#)'.

PPA can be lost however during re-engagement/re-employment and in other circumstances including where the main purpose (or one of the main purposes) for early entitlement to benefits is to avoid paying tax or national insurance contributions.

An example of how this applies during re-engagement or re-employment:

The [FPS](#)1992 is exempt from this provision, and members have a protected right to access their benefits before age 55, in accordance with the rules of the scheme. These protected rights will be lost, and the individual may be liable to tax on their pension benefits if, after taking pension benefits, the individual is employed by:

- the same employer,
- any person connected with that employer; or
- an employer who is part of the same pension scheme.

UNLESS one of the following re-engagement or re-employment conditions apply:

- Compulsory recall by the Armed Forces.
- Break in employment of at least six months.
- Break in employment of at least one month and scheme rules provide that benefits may be abated (withdrawn in whole or in part); or
- Break in employment of at least one month and the re-engagement or re-employment is materially different.

For full details, see the following [HMRC guidance \(Pensions Tax Manual\)](#).

If you are considering re-engagement after accessing pension benefits, it is advisable to contact HMRC regarding tax and national insurance, as it will have an impact on your tax code.

It is important to stress that it would be advantageous to discuss your intentions or the request for re-engagement or re-employment as early as possible with the HR Department before the proposed retirement date.



9 Retirement process

If you are thinking about retiring from the Service (other than through ill-health or injury), there are issues you need to consider ensuring you make the right, and informed decision for you. There are also processes you need to follow to avoid delays to payments and other complications.

Before you make a formal notification to retire, if you wish to obtain an estimate of what your retirement benefits would be, please send your request to pensions@wypf.org.uk. Please note that there may be a charge applied by the Pension Administrator if you request more than one estimate within a twelve-month period. If after receiving the estimate you wish to retire, you will need to give notice in writing to your Line and HR Managers.

The Pension Administrator will contact you upon receipt of your retirement confirmation notice from AF&RS and send you all the necessary documentation and information required to finalise your retirement.

Please check the retirement notice periods on your employment contract and give yourself enough time to complete the above processes to avoid any delays to your pension.

10 Full and early retirement

Although each FPS has a fixed retirement age, you can also opt to retire early which may lead to a reduction in the pension paid.

The retirement ages to consider are:

1. **FPS 2015**

- Fixed/Normal retirement age of 60 for active members. At the age of 60, you will be paid your full pension if you have sufficient service.
- If you are a deferred member, your fixed retirement age will be equal to state pension age (SPA). You can check your current SPA at www.gov.uk/calculate-state-pension.
- Possibility of retiring early at or after the age of 55. In these circumstances, the pension you receive will be reduced, to reflect early retirement.

Please note – Different rules apply if you are a transitional member of the 2015 scheme and wish to retire early. This is because you are awarded a two-part pension, one part built up in your original final salary scheme (FPS 1992 or FPS 2006) and the other in the 2015 scheme.



The rules of each scheme apply separately to each part of your pension, and there are some special transitional rules built into the 2015 scheme on how service and salary should apply.

2. [FPS 2006](#)

- Fixed/Normal retirement age of 60 for active members. At the age of 60 you will be paid your full pension if you have sufficient service.
- If you are a deferred member, your fixed retirement age will be age 65.
- Possibility of retiring early at or after the age of 55 (with a reduction).

3. **FPS 2006 (Retained Modified Scheme – Protected Special Members):**

- Fixed/Normal retirement age of 55 for active members. At the age of 55 you will be paid your full pension if you have sufficient service
- If you are a deferred member, your fixed retirement age will be age 60
- No possibility of retiring early unless on ill-health grounds (at any age)

4. **FPS 1992**

- An ordinary pension is payable to an active Firefighter at age 50 or over with at least 25 years' service
- A short service pension is payable to an active Firefighter at age 55 or over to members with less than 25 years' service but more than two years' service
- No possibility of retiring early unless on ill-health grounds (at any age)

11 Applying for re-engagement or re-employment

With effect from 6th April 2010 the tax rules in relation to re-engagement or re-employment and abatement have altered. These are explained fully in [FPS Guidance Note 1/2010](#). In summary, these changes mean that staff wishing to abate **must have a break in employment of at least one month**.

Staff will incur additional tax charges on all pension benefits, including the lump sum if they do not meet these re-engagement or re-employment conditions and have a month's break in service. Staff are eligible to claim their pension during the month break in service. If legislation or tax advice alters in future this position will be reviewed by AF&RS and any changes to this policy will be negotiated and communicated to staff.



The following sets out the criteria for re-engagement or re-employment. It should, however, be clearly understood that the granting of requests for re-engagement/re-employment will be the exception rather than the rule and staff development/promotional opportunities should always be considered.

There are two ways to be re-employed:

1. **Applying for an Advertised Role** – Recruit to a particular role and a current employee who is shortly due to retire, or previous employee applies through a competitive process.
2. **Employee Initiated Application** - The employee makes a generic application when approaching retirement to obtain employment with AF&RS.

11.1 Applying for an advertised role

A current (i.e., an employee is shortly due to retire) or previous employee applies in the usual manner to an advertised role. A full recruitment and selection process will be applicable.

11.2 Employee Initiated Application

If you are nearing retirement and wish to apply for re-engagement or re-employment, having met the FPS conditions for eligibility, you should confirm this in writing to your line manager stating what proportion of your pension (if any) you wish to commute to provide a lump sum payment upon retirement. Your line manager should forward the request to HR.

Based upon the proportion of your pension you wish to commute up to the maximum, the estimate will include:

- the amount of your lump sum payable upon retirement.
- your annual pension entitlement, which will be fully abated.

It is important to stress that it would be advantageous to discuss any request as early as possible before the proposed retirement date, however a decision regarding the request will normally be given within 8 weeks of the request being made. **You must obtain a pension estimate before applying for re-engagement or re-employment.**

If you are currently employed and wish to make a generic application, you are required to apply for re-engagement or re-employment (**Appendix 1**) to the relevant Line Manager, **at least 3 months before your retirement date**. Where there is more than one applicant, a shortlist and selection process relevant to the



requirements of the post will take place.

Your Line Manager will complete the relevant section of the application form and will send this to HR for review.

The decision, whether to re-engage/re-employ or not; is at the discretion of the CFO/CE, there is no automatic right to be re-engaged/re-employed by AF&RS and there is no right of appeal following the CFO/CE's decision.

The CFO/CE decision will be based upon:

- Clear financial benefit to AF&RS
- Impact on terms and conditions of service
- Staffing requirements, in particular any shortage of specialisms
- Transitional requirements of organisational restructuring
- The fitness, health, absence record, disciplinary and skills of the operational employee
- Need and suitability for filling the post on a full-time basis, including ability to maintain competency
- Resilience of staffing options

If you are successful in your application for re-engagement/re-employment, you will be able to make the necessary arrangements for processing your retirement, and you should also advise HR of your intention to be re-employed.

11.3 Principals of re-engagement/re-employment

Where staff are re-engaged or re-employed following retirement into operational roles, the following will apply:

- Employees can only apply for re-engagement/re-employment on a full-time basis.
- Employees will be re-engaged/re-employed at the same rates of pay as other employees of the same role.
- Re-engaged/re-employed Contract of Employment will be **up to, and no more than 24 months**, with no ability to renew.
- A new Contract of Employment will be issued and therefore employees will lose any entitlement to service-based enhancements, this will include the loss of Continuous Personal Development (CPD) payments.
- AF&RS, in considering requests for re-engagement/re-employment, will treat each application on a case-by-case basis.
- The employees on-going pension payments will be abated on the principle that the annual rate of pay on re-engagement/re-employment, plus the annual rate of pension payable under the FPS does not exceed



the annual rate of pay they received immediately prior to retirement.

- The length of time elapsed between retirement and re-engagement/re-employment would result in the following training plans:
 - 1 month – No retraining unless re-employed into a new role.
 - 6 months – Incident Command Re-assessment and a one day covering the core skills for the role in line with the [National Fire Chiefs Council \(NFCC\)](#) Fire Standards or service policy. A service induction would need to occur.
 - Longer than 6 months – on a case-by-case basis. A service induction would need to occur.

Where employees are re-employed following retirement into corporate roles (i.e. Green Book roles) then the Recruitment and Selection Policy; and Procedure will apply, including [Green Book terms and conditions](#).

11.4 Break in service

If your request is approved, you will first have to resign/retire from your current position (or positions) before being re-engaged/re-employed and will be required to have a break in service of at least 1 month (or 6 months on the Protected Pension Age for 1992 scheme members), as detailed in Section 8 of this policy.

Individuals who have previously retired from the Service and are subsequently re-engaged/re-employed should be aware that abatement may be relevant and are advised to contact the Pension Administrator, whilst also seeking independent financial advice.

HR will write to you to confirm the effective date of your retirement. HR will issue a new employment contract which will detail your new start date for employment purposes (one month after the retirement date).

Your re-engagement/re-employment is **not** subject to a successful medical at the application stage. You will continue to have periodic medicals at the prescribed intervals in line with all other uniformed personnel.

Upon re-engagement/re-employment, you will be provided with details of the [New Firefighters' Pension Scheme \(NFPS\)](#). Eligibility for this scheme is restricted to operational Fire-fighters, Crew Managers and Watch Managers only. Under the pension rules, operational is defined as attending operational incidents as part of your role, office-based posts (Community Safety etc) are not included. However, staff who are temporarily in a corporate role and who then return to be operational may apply to join the NFPS from the date they become operational and thus qualify for entry to the scheme.



You should be aware that you will be automatically entered into the new scheme unless you advise HR immediately and complete the opt-out form to prevent contributions being taken from salary. Refunds are not permitted under the scheme and therefore prompt action is essential.

Personnel who are not eligible to join the NFPS may apply to join the [Local Government Pension Scheme](#) (LGPS). However, the pension abatement rule (K4) still applies, and the FPS pension would be abated until the end of employment with AF&RS.

12 Abatement Rule (K4)

“In-Service” abatement is covered by Treasury policy and precludes personnel from drawing their pension and continuing in the same employment. When abating your pension, you will need to consider the loss of PPA following re-engagement/re-employment, as detailed in Section 8 of this policy.

12.1 Abatement

Pensioners who are re-engaged/re-employed following retirement will be subject to the Abatement Rule (K4) set out in the [FPS, Consolidated Order 1992 \(Revised December 2006\)](#), Page 47. Once employed by AF&RS, your pension will be reduced or suspended during the period of re-engagement or re-employment. The reduction is on a £ for £ basis and is also known as ‘Abatement.’

Abatement does not apply in the Firefighters Pension Scheme 2015.

For example, if you earned £25,000 prior to abatement (full time 42 hours a week) but return on a part time basis working 50% less hours a week (21 hours) your salary will reduce to £12,500 and therefore you can also receive a top up of pension of up to a maximum of £12,500 to bring your total income (salary plus pension) to the level it was at immediately prior to abatement.

12.2 An example of how abatement will work:

Final salary before retiring	£25,000
FPS (1992/2006)	£12,500
Maximum allowed without affecting your pension	£12,500

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Please note that:

- If returning in a uniformed or corporate role, your pension will be abated until you cease employment.
- Taking up employment outside of the Fire and Rescue Service will **NOT** affect your Firefighter retirement pension in any way.

If you are re-engaged/re-employed in any capacity with **any** Fire Authority and are already in receipt a Firefighters pension, you must:

- Inform the Fire Authority and Pension Administrator that you are receiving a Firefighters pension; and
- include your salary, grade, and hours when you write to the Pension Administrator.

A scheme member must inform the Pension's Administrator in the event of a change in employment terms and conditions that may affect the amount of pension benefit in payment such as:

- Promotion
- Increase/reduction in salary for any other reason
- Change in hours of employment
- Any other material changes in their contract of employment
- Re-engagement or Re-employment ceases.

If you subsequently apply for an available post at a lower grade, your application will be considered on a case-by-case basis in accordance with the appropriate policy.

If approved, and the pay in the new role is below the remuneration you received immediately prior to retirement, you should notify HR and the Pension Administrator, who will decide as to whether you qualify for payment of part of your annual pension (under the Abatement rule K4).

On final retirement when re-engagement/re-employment comes to an end, pensioners who have had their pension abated, will receive their full Firefighter pension. Those who made further pension contributions will receive separate retirement benefits of a pension and lump sum entitlement based on the length of service and pensionable pay in the re-engagement/re- employment.

It is crucial that you familiarise yourself with the potential implications of abating your pension, including the impact upon any future application for ill health retirement and the effect upon death in service entitlement. The Pension Administrator will be able to provide information on these matters, however the final decision to abate your pension will be your responsibility.



13 Changes to the FPS 1992 and the Firefighters Compensation Scheme (FCS)

On the 1 April 2019, changes were made to the FPS 1992 and the [FCS](#) which are outlined below:

13.1 Surviving Partner's Pension

The 1992 scheme and the compensation scheme rules on survivors' pensions have been changed following a legal judgment. This judgment considered the restriction of service within the calculation of the surviving partners' pension for civil partners and same sex marriage unlawful.

The FPS 1992 and the FCS have been changed to remove the restriction on service from 6 April 1988 used in the calculation of a survivor's pension to a civil partner or same sex marriage. This change applies retrospectively. This has the following effect:

1. If you are a:

- Firefighter member (whether you are active, have left or retired) and
- in a civil partnership or same sex marriage.

The survivor's pension payable on your death will automatically be calculated based on your full service with no restriction applied.

2. If you are in receipt of a:

- Firefighters' survivor's pension from the 1992 scheme, and or
- Survivor's pension from the compensation scheme (under the rules of the compensation scheme).

A survivor's pension is only paid where the former Firefighter died from the effect of a qualifying injury or of infirmity of mind or body occasioned by a qualifying injury; and were civil partnered or in a same-sex marriage, your pension may have been calculated based on restricted service from 6 April 1988 only. Your pension in payment may need to be recalculated to include the firefighter member's full service.

3. If a family member or friend, who has subsequently died was in receipt of a:

- Survivor's pension from the Firefighters scheme, and or
- Survivor's pension from the compensation scheme (under the rules of the compensation scheme).



A survivor's pension is only paid where the former Firefighter died from the effect of a qualifying injury or of infirmity of mind or body occasioned by a qualifying injury) as a result of being in a same-sex marriage or civil partnership with a member of the Firefighters scheme, the pension may have been calculated based on restricted service from 6 April 1988 only.

For some scheme members who have had a reduction to their pensionable pay before retirement, changes (below) which came into effect from 8 October 2018 could affect how we work out your pension.

13.2 Split Pensions (two pensions)

A split pension, also known as two-pensions, may apply if you have had a reduction to your pensionable pay. You may be entitled to a split pension if you are a 1992 or 2006 Scheme member.

A split pension is worked out at retirement. The first part of your pension is based on the higher rate of pay before the reduction and increased by an equivalent to the [Pensions Increase Act](#). The second part of your pension is worked out using your pensionable pay at retirement. The two parts are added together and measured against what you would have had as a single pension. **You will receive whichever pension is higher.**

The recent changes confirm that the first part of your split pension should be increased by an equivalent to pensions increase, from the day after your pay reduced to the date you retire. Further increases would not be applied until age 55 or unless you retired on ill health.

13.3 Partial Retirement

Under the NFPS 2015 there is an option for partial retirement once you have reached age 55 if you wish to draw your pension but continue your employment as a Firefighter without a break and build up additional pension. However, the 1992 and 2006 schemes require a member to **fully retire** in order to be able to claim those benefits.

Your NFPS 2015 pension would be paid (subject to an early payment reduction if you have not reached age 60). A new pension record would be set up and you will build up a pension based on your continuing membership. This second pension will become payable, on similar terms to your first pension, when you retire.

The date on which you take partial retirement is subject to appropriate notice to HR unit and agreement by the CFO.



13.4 Flexible Retirement (Corporate Staff only)

Flexible retirement is only available to members of the LGPS. **Members of the Firefighters Pension Schemes (FPS) cannot apply for flexible retirement.**

The Regulations, introduced in late 2005, enables a corporate member of staff who is a member of the LGPS, aged 55 or over, to reduce their hours of work or Hay grade, and elect to take their retirement benefits early, whilst still continuing in employment and continuing their LGPS membership. This is at the discretion of the CFO.

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14 Appendices

Appendix 1 – Draft Application for re-engagement or re-employment (Employee Initiated).

Part 1 – To be completed by individual requesting to be re-engaged/re-employed

Name	
Current/Previous Job Title	
Post Applying For	
New Hours/Working Pattern/Duty System	
Date of Leaving	
Date of Request	
Signature	

Part 2 – To be completed by the Station Manager or Line Manager if the applicant's role is Station Manager or above.

Please provide details of the individual's fitness, health, absence record, disciplinary and skills of the individual

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Re-engagement or re-employment supported	Yes	No
Name		
Signature		

Part 3 – To be completed by the Area Manager or above

Please provide details of approval/rejection based on financial benefit, impact on terms and conditions, staffing requirements, transitional requirements, organisational requirements.

Re-engagement or re-employment supported	Yes	No
Name		
Signature		


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