

Retirement Policy and Guidance

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History

Issue	Date Issued	Brief Summary of Change	Approved by
1	Nov 2001	New policy	TEC
2	Jan 2004	Several additions and changes to text. Changes to contact detail	TEC
3	Sep 2009	General update including addition of retirement procedure (section 10)	TEC
4	Oct 2012	Revision of policy to reflect removal of default retirement age and introduction of Equality Act 2010 Section 5: to reflect NHS Pension changes Section 6: retirement age and NI contributions added Section 9: to reflect removal of automatic right of return and procedure for return to work to either contracted or bank work Section 13: "Sources of Advice and guidance" added Other minor amendments	TEC
5	Feb 2019	General review – update on retirement options	TEC

For more information on the status of this document, please contact:	HR Business Partners and Advisors
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1. INTRODUCTION

- 1.1 We are committed to ensuring that all employees retiring from the Trust are aware of the choices available to them and are given the necessary information to make proper preparation for their retirement in accordance with equal opportunities and statutory requirements.

2. PURPOSE

- 2.1 The purpose of this policy and related guidelines are to ensure that all staff employed by the Trust are aware of the choices available to them and are given the facilities to make proper preparation for their retirement in accordance with equal opportunities and statutory requirements.
- 2.2 The Retirement policy and guidance applies to all employees directly employed by the Trust.
- 2.3 This policy sets out the process to be followed when employees inform the Trust that they wish to retire.
- 2.4 This policy and guidance has been updated in accordance with the provisions of the Equality Act 2010, and subsequent Employment Equality (Repeal of Retirement Age provisions) Regulations 2011. Adherence to the guidance will ensure that the Trust complies with its legal obligations under the Equality Act 2010 and does not discriminate on the grounds of age.
- 2.5 This policy and guidance should be read in conjunction with the following Trust policies and guidelines, available on the Trust's intranet:-
- Flexible Working Policy
Sickness Absence Policy and Procedure
- 2.6 The Trust believes in treating people fairly and values diversity. These principles will apply in the application of this policy and guidance. The Trust wishes to support older workers to continue working for the Trust. The Trust encourages staff to prepare for their retirement and offers support to staff who are considering making the transition from employment to retirement.
- 2.7 NHS Pension scheme guidance is subject to change, so it is advisable in all circumstances to refer to either the NHS pension website www.nhsbsa.nhs.uk/pensions or to contact the Trust's Pensions Team.

3. SCOPE

This policy and guidance applies to all staff employed at Ashford and St Peter's Hospitals NHS Foundation Trust.

4. REVIEW

The Trust will review this policy every three years to ensure that it is effective.

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5. GENERAL PRINCIPLES

- 5.1 This policy and guidance sets out the procedure that managers and staff must follow when considering the option of retirement.
- 5.2 It highlights that staff have an alternative to formal retirement through flexible working.
- 5.3 It confirms the Trust's commitment to a positive approach to equal opportunities in the employment of staff irrespective of their age.

6. FLEXIBLE RETIREMENT AGE

- 6.1 The Trust operates a flexible approach to retirement without any set retirement age.
- 6.2 The Trust recognises the contributions of a diverse workforce, including the skills and experience of older employees. It believes that employees should, wherever possible, be allowed to continue working for as long as they wish to do so. Employees may voluntarily retire at a time of their choosing.
- 6.3 The Trust also recognises that retirement can be a considerable change in someone's life and therefore the measures outlined in this policy and guidance is intended to support individuals in making informed decisions about their retirement and ensure that the transition from work to retirement is seamless.
- 6.4 There are several Flexible Retirement Options for employees in the NHS Pension Scheme, depending on what pension scheme you are a member of. The different types of flexible retirement options are shown below along with confirmation of which schemes an employee must have accrued pension entitlements within in order to qualify for the right to request that type of flexible retirement. The option chosen must be applicable to all of an employee's pensionable membership. Staff members should speak to the Pensions Team to discuss these options if they are of interest to them. Please see Appendix 2 for a brief description of each Flexible Retirement Option.

	1995 Section	2008 Section	2015 Section
Step Down	✓	✓	✓
Wind Down	✓	✓	✓
Retire and Return*	✓	✓	✓
Draw Down	X	✓	✓
Late Retirement Enhancement	X	✓	✓
Early Retirement Reduction Buy Out	X	X	✓

7. RETIREMENT OPTIONS AND THE NHS PENSION SCHEME

- 7.1 Employees who have contributed to the NHS Pension Scheme will qualify for retirement benefits from the pension scheme. Employees may commence a new contract at the Trust after retirement. Pension contributions can be made up to the age of 75 or beyond depending on what pensions scheme the employee is a member of, or until they have reached 45 calendar years of membership.

Staff are advised to familiarise themselves with the benefits of the NHS Pension Scheme so that they can make an informed choice about whether the scheme is appropriate for them. The benefits of the NHS Pension Scheme are only available to those who choose to join the scheme and make the appropriate contributions. Eligible staff are able to join the NHS pension scheme at any stage during employment with the Trust.

The Trust facilitates pre-retirement courses for staff members that are due to or planning to retire within 5 years.

- 7.2 Employees may choose to take Voluntary Early Retirement under the NHS Pension Schemes at any time within 10 years of their normal retirement age. Members' benefits will be reduced to accommodate this choice. Employees who are members of the 2008 and 2015 Pension Scheme can take their pension from the age of 55. Those in the 1995 Pension Scheme prior to 2006 can take their pension from 50, those joining after April 2006, may take their pension from 55.

Information on your benefits should be sought from the Trust's Pensions Team or the NHS Business Services Authority at <http://www.nhsbsa.nhs.uk/pensions> or on 0300 330 1346

- 7.3 Certain staff groups will have a Pension with 'Special Class Status', staff members with this status are able to access their NHS Pension at the age of 55, if requested. Please contact the Pensions Team to find out if your pension has Special Class status.

8. STATE RETIREMENT PENSION

- 8.1 Information regarding state pension age and entitlements can be found at <https://www.gov.uk/state-pension>

9. PLANNING FOR RETIREMENT

- 9.1 Retirement involves a significant change in lifestyle. Inevitably people will have thoughts about retirement well before they get to detailed planning. A large part of planning for retirement involves financial planning.
- 9.2 Given the considerable span of time during which staff may elect to retire, it is difficult for a manager to anticipate when advice, support and training is needed. It therefore rests with the member of staff to initiate discussion about accessing retirement planning support and advice. The annual appraisal process is one opportunity for the member of staff to identify their future plans. When the manager learns that retirement is being considered they need to ensure that staff approaching retirement are made aware of this guidance and to encourage attendance at Pre-Retirement Courses.

Further details of planned training events can be obtained from the Learning and Development Department

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10. FLEXIBLE WORKING

- 10.1 The Trust recognises the benefits in offering the opportunity of flexible working and this may be an option in preparation for retirement. Experienced staff have a great deal to offer the Trust later in their careers, particularly in terms of knowledge and skills. Flexible working may also allow ample time for adequate succession planning to ensure continuity of Trust services.
- 10.2 The Trust's Flexible Working Policy lists the possible arrangements, that could be considered when reviewing possible working options in preparation for retirement with the agreement of the employees line manager. All requests for flexible working must be made in accordance with the Flexible Working Policy.
- 10.3 It is important for members of staff wishing to consider flexible working at any time in their career to contact the Pensions Team for advice to clarify how their pension entitlement may be affected.

11. RETURNING TO WORK AFTER RETIREMENT

- 11.1 An employee may wish to return to work for the NHS after taking NHS Pension Scheme benefits (referred to as "retire and return") and this is supported by the Trust.

The aims of retire and return are to:

- enable the NHS to retain the skills, knowledge and experience necessary to deliver safe patient care;
- help support the health and wellbeing of older staff as they approach retirement and wish to continue working;
- ensure that overall workforce costs are managed in line with budgets.
- support staff with the transition from work to retirement

The return to work after retirement may be:

- Same job, contracted hours, working pattern as before retirement
- Same job, different contracted hours or working pattern than before retirement
- Different job, different hours
- Bank work

- 11.2 Return to same job as before retirement

Employees who may wish to retire, draw their pension benefits and then return to work should understand that:

- If an employee retires, this is treated as a resignation and termination of employment. Applications from an employee to return to work after retirement will not be approved automatically.
- Where an employee wishes to retire and return it will be for the Trust to determine whether or not the post will be re-filled and on what basis, taking into account current and future workforce requirements. It should be borne in mind

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that the post may not be re-filled, or that a decision may be made to change the hours and / or grade. Consideration will be given to whether the position will remain substantive or be filled in the same capacity according to the on-going needs of the service.

- Each application for retire and return will be considered on its own merits to ensure the arrangement provides value for money and takes into account current and future workforce requirements. Appendix 3 provides a checklist to assist decision making in respect of retire and return applications and should be completed in all cases.
- Where a member of staff submits an application for retire and return (Appendix 3) and the manager supports this application, the completed request (Appendix 3) needs to be signed to confirm that the request has been approved. The retire and return post will be subject to normal vacancy approval. Approval from the vacancy panel should be obtained prior to the staff member submitting their request for retire and return and their formal resignation.
- Consultants wishing to return to a contracted post after retirement would not be subject to an AAC process – however the post would be subject to the normal approval.
- Consultants should note that Clinical Excellence Awards (CEA) or distinction awards will cease to be payable if you retire and are consolidated into their NHS Pension or Universities Superannuation Scheme (if applicable).
- It should also be noted that Pre-retirement CEAs and Distinction Awards cannot be reinstated after retirement. If you retire and return to work, you will be able to apply to re-enter the CEA Scheme or its successor.
- There is a requirement to take a break in service of at least 24 hours for pension purposes. For the first month following retirement employees will only be allowed to work 16 hours per week. In addition to this, the Trust requires employees to take a break in service of two complete weeks as a minimum. After the first calendar month their hours may increase if agreed with the Manager. Further restrictions apply with those who hold Special Class Status and retire before the age of 60. Please contact the Pensions Team for further information relating to this.
- If the employee is successful in their application to retire and return they will be appointed to the post as a new starter with a start date agreed that is no less than two weeks after their date of retirement. The employee will be asked to confirm if any personal details on ESR have changed and if so to complete a new starter form and present their identification documents to recruitment. They will not be required to undergo any other recruitment checks and it is the manager's responsibility to ensure that ESR records accurately reflect the employee's final date of service before retirement and their start date back into the post following their retirement, if the manager has approved this.

11.3 Retire and Return to Work in different job or status than before retirement

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Employees who wish to re-join the Trust in a different job than before retirement will need to apply for the post through the usual recruitment process. Employees wishing to retire and register for bank work should contact the Temporary Staffing Team before their retirement date to put arrangements in place.

The Temporary Staffing team will carry out the following checks to register staff on the Trust bank:

- Short reference request from manager (to check that bank work is suitable and there are no issues or restrictions that would need to be in place)
- Occupational health check if the bank work to be undertaken requires a different check than the worker had before retirement
- DBS/Registration check if the bank work is in a different capacity than previously worked.

12. VOLUNTARY WORK

Retired staff may wish to consider voluntary work within the Trust. Further information is available from the Voluntary Services Department.

13. ILL HEALTH RETIREMENT

13.1 Retirement on the grounds of ill health is covered in the Trust's Sickness Absence Policy and Procedure

14. ROLES AND RESPONSIBILITIES

14.1 Managers are responsible for:

- Participating fully in pre-retirement planning with the employee, ensuring that any processes contained in this guidance and procedure and others referred to in it, are adhered to.
- It is important that line managers ensure consistent application of the guidance within their area of responsibility
- Asking all employees, irrespective of age, about their aims and aspirations for the short, medium and long term as part of the annual performance appraisal and development review process. This will help managers to plan their workforce, organise appropriate training and development and succession plan
- Completing the leavers notification on ESR – see the Leaver's checklist on Trustnet
- Completing application forms for long service awards where appropriate. The Trust recognises the valued contribution made by its long-serving employees and therefore wishes to give a token of its gratitude, upon their retirement. The award will be given to staff with ten or more year's cumulative NHS service and will be paid at the rate of £10 per year either;
 - i. A gift of the employee's choosing to be purchased by the manager
 - ii. (the employee may wish to have an inscription)
 - iii. Or by cheque

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Staff members with over 10 years' service with the Trust are also entitled to receive a contribution of up to a maximum of £50 towards a retirement party. The form for processing the retirement award and party contribution is attached in Appendix 1.

14.2 Human Resources are responsible for:

- Providing advice and support to managers and employees in the practical application of the guidance and procedure
- Monitoring its application to ensure it is applied in a fair and consistent way across the Trust.

14.3 Employees are responsible for:

- Fully engaging with their line manager in discussing pre-retirement options as part of regular 1-1 meetings or raising their intention to retire during the annual performance appraisal and development review process.
- Notifying their line manager of their intended retirement date as soon as possible but giving at least 4 months' notice to enable service continuity and succession planning.
- Notifying the Pensions Team as soon as possible, preferably at least 4 months in advance of the intended retirement date to ensure adequate time to process the pension
- Making any application for flexible working prior to retirement through their line manager if applicable

14.4 Pensions Team – Payroll Department

- To provide specialist information, interpretation and expert guidance to staff at all levels on all aspects of the NHS Pension Scheme.

15. STAFF ACCOMMODATION

15.1 Staff who live in hospital accommodation are reminded they will need to make alternative housing arrangements to take effect from their retirement from the Trust. Staff in accommodation should contact alternative local providers e.g. housing associations or the council to submit applications as far in advance as possible. Staff who have made an application for ill-health retirement pension should make the same arrangements at the earliest opportunity to discuss options for alternative accommodation as this is likely to take several months.

16. SOURCES OF ADVICE AND GUIDANCE

16.1 Staff are also reminded that whilst employed by the trust they have access to a confidential advice by contacting Care First at www.carefirst-lifestyle.co.uk using access code asp001 and password employee. Care First can also be contacted by phoning 0800 174 319. This service will offer free and impartial advice on a range of topics including finance, legal advice, counselling etc. The Citizens Advice Bureau can also be used for this purpose and staff are advised to contact the job centre about any additional benefits to which they may be entitled after retirement or look on-line at www.gov.uk/browse/benefits For NHS pensions advice please refer to NHS Business Services Authority at

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17. NHS RETIREMENT FELLOWSHIP

The NHS Retirement Fellowship is a registered charity with 190 branches throughout the UK. Staff who are about to retire or have retired are eligible to join together with their spouses. Each branch organises its own activities to suit the requirements of its members with the aim of promoting the welfare and interests of retired staff. They are available at <http://www.nhsrf.org.uk/> or the national contact number is 01296 330471.

18. GUIDANCE REVIEW

18.1 This guidance and the associated procedures will be reviewed at the date stated and may be subject to change at that time or at an earlier date if necessary, subject to consultation with staff representatives recognized for that purpose

19. REFERENCES

Equality Act 2010

ACAS

Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011

<http://www.gov.uk>

APPENDIX 1

APPLICATION FOR LONG SERVICE RETIRMENT AWARD	
Name of Staff Member Retiring	
Job Title	
Ward/Department	
Brief outline of career in the NHS	
Request for Cheque (tick if appropriate)	
Request for Party Contribution (tick if appropriate)	
Name of Manager to whom cheque and contribution to be returned	
Name of Employee to whom cheque payable	
Signed (manager)	
Date	
Form to be forwarded to The Recruitment Team	
NHS service dates	From To.....
	from To.....
	From To.....
Total Years	
Award Due	£
Party Contribution due	£
Signed (HR Advisor/Business Partner)	
Date	
Approved Chief Executive	
Please raise cheque and return to HR	
Date Cheque raised	
Value of Cheque	£
Value of Party Contribution	
Approved (Finance signature and print name)	
Date	

APPENDIX 2 – FLEXIBLE RETIREMENT OPTIONS

Step Down - The employee can “step down” to a different role to reduce the level of responsibility whilst remaining in NHS employment. Depending on their age at the time they step down, the employee may be able to protect a higher level of pay for the calculation of their future pension benefits so that the impact of a lower-graded band only affects the future pension earned after stepping down. This will be subject to the normal recruitment processes.

Wind Down - The employee can “wind down” to retirement by remaining in their current post, but reducing the number of hours or days they work. Requests for winding down, needs to be made, in accordance with the Trusts Work life Balance Policy. Pensions for part-time employees are calculated on the whole time equivalent salary and not the actual salary. Therefore, the only impact this may have is on the length of their membership, as it will take longer to build up future membership if you are working less than full time hours.

Draw Down - This option may support the employee to remain in work for a longer period of time before retirement and could be used in conjunction with a flexible working request. This option allows employees to take part of their pension benefits and continue in NHS employment.

Retire and Return - An employee can retire and receive pension benefits and return to work on either a bank, part-time or full-time basis, in accordance with the Trusts Recruitment and Selection Policy.

Late Retirement Enhancement - If an employee chooses to continue working past Normal Pension Age and has not drawn down from their pension at all, then the pension benefits will be increased by the application of late retirement factors.

Early Retirement Reduced Buy Out - This new provision to the 2015 NHS Pension Scheme allows employees (and / or their employer) to make additional contributions to the scheme that will allow them to retire earlier than their Normal Pension Age without any early retirement reduction.

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APPENDIX 3

Part 1 - REQUEST FOR RETIRE AND RETURN

(To be completed by employee)

Name of Employee.....

Job Title.....

Division.....

Directorate.....

I confirm that I wish to retire on and return on
(date) (date)

Please clarify below the hours and working pattern you wish to request following your retire and return.

Are there any additional information / special circumstances that you wish to be taken into consideration?

Medical and Dental Staff Only – Please indicate below what your proposed new job plan will be

Signed.....

Date.....

Please submit your signed form to your Line Manager

Part 2 – MANAGEMENT OUTCOME DECISION FOR RETIRE AND RETURN APPLICATION

(To be completed by Line Manager – following advice from HR Business Partner)

Before approval can be granted for retire and return Managers should demonstrate they have considered a number of factors.

- Why will filling this post through retire and return positively impact cost improvement pressures etc?
- What equality requirements have you taken into account when considering this application?
- Does this retire and return application offer value for money?
- Is the standard of the applicant’s work and attendance satisfactory? If not, how is this being managed?
- Does the applicant’s competence (skills, knowledge and experience) meet the essential requirements of the post?
- Can the service accommodate the hours proposed and do they meet service needs?
- Have you considered how this retire and return may impact the wider team and if there is any impact on succession planning?
- Is it in the best interests of the service to accommodate this retire and return request?
- What are the longer term workforce / service plans for the post and team and how does this retire and return request fits with this?
- If the employee has requested to come back on reduced hours, what is your plan for the remaining hours? (eg is it a saving or will you recruit to the remaining hours?)

Do you support this application for retire and return? YES NO

Please detail the rationale for your decision (use additional pages if necessary)

Name (Line Manager).....

Signed

Date.....

Please ensure that you fully feedback your decision and rationale to the employee
Include this signed off form with the vacancy panel (if the post is to be re filled)

APPENDIX 4

Equality Impact Assessment Summary

Background

- Description of the aims of the guidance
- Context in which the guidance operates
- Who was involved in the Equality Impact Assessment

- Commitment to ensuring that all employees retiring from the Trust are aware of the choices available to them and are given the necessary information to make proper preparation for their retirement
- Ensure that all employees have a flexible and fair retirement policy available to them to support the transition from work to retirement
- NHS Pension scheme choices outlined within the policy

Methodology

- A brief account of how the likely effects of the guidance was assessed (to include race and ethnic origin, disability, gender, culture, religion or belief, sexual orientation, age)
- The data sources and any other information used
- The consultation that was carried out (who, why and how?)

- Consultation has involved the Staff Employee Partnership Forum, and members of the Policy Sub Group.
- Research into the current legal and best practice requirements was undertaken to ensure that these have been met including the Equality Act and the removal of the default age of retirement.
- The policy is applicable to employees in specific age groups (10 years of their normal retirement age and upwards) which is justified because of the rules of the Pension schemes. However mitigation for any adverse effect on the younger workforce is outlined below.
- Assessment of the Trust's workforce age profile shows that the percentage of older staff is on the increase, making this policy particularly important for a large number of staff.

Key Findings

- Describe the results of the assessment
- Identify if there is adverse or a potentially adverse impacts for any equalities groups

- The introduction of more flexible retirement options could impact on the availability of flexible working options for younger members of the workforce. However, this is mitigated by the provision that applications for retire and return flexibly are to be assessed against a range of criteria to ensure that the new working pattern can meet the needs of the service as well as the individual. This is like the process for assessing flexible working requests from all other members of staff members.

<p>Conclusion</p> <ul style="list-style-type: none"> • Provide a summary of the overall conclusions
<ul style="list-style-type: none"> - We do not have an employer-justified retirement age; the policy supports older workers to remain in work for as long as they wish, retaining valuable skills and experience. - The process for retiring and returning flexibly is supported in principle and a process for considering such requests is outlined. This allows older workers more opportunity to remain in work whilst balancing work with home, health and wellbeing needs. - The policy is complemented by the Trust's Work life balance policy which makes requesting flexible working available to all age groups. Therefore ensuring that the younger population have access to flexible working too.
<p>Recommendations</p> <ul style="list-style-type: none"> • State recommended changes to the proposed guidance as a result of the impact assessment • Where it has not been possible to amend the guidance, provide the detail of any actions that have been identified • Describe the plans for reviewing the assessment
<p>Annual review of EIA</p>

Guidance on Equalities Groups

<p>Race and Ethnic origin (includes gypsies and travellers) (consider communication, access to information on services and employment, and ease of access to services and employment)</p>	<p>Religion or belief (include dress, individual care needs, family relationships, dietary requirements and spiritual needs for consideration)</p>
<p>Disability (consider communication issues, access to employment and services, whether individual care needs are being met and whether the policy promotes the involvement of disabled people)</p>	<p>Sexual orientation including lesbian, gay and bisexual people (consider whether the policy/service promotes a culture of openness and takes account of individual needs)</p>
<p>Gender (consider care needs and employment issues, identify and remove or justify terms which are gender specific)</p>	<p>Age (consider any barriers to accessing services or employment, identify and remove or justify terms which could be ageist, for example, using titles of senior or junior)</p>
<p>Culture (consider dietary requirements, family relationships and individual care needs)</p>	<p>Social class (consider ability to access services and information, for example, is information provided in plain English?)</p>