

## Retirement Policy No. 16

### Introduction and Benefits

1. The Employment Equality (Age) Regulations 2006 set a default retirement age of 65, and sets out a fair process for retiring individuals who reach this retirement age.
2. The policy will ensure that all employees are treated fairly with regards to their retirement, and are made aware of their right to request to continue working.

### Application

3. The policy only applies to all Trust employees who are within one year of reaching, or have reached, the Trust's retirement age of 65.

### Purpose

4. The purpose of this policy is to ensure that the Employment Equality (Age) Regulations 2006 are implemented consistently across the Trust.
5. The policy also sets out the application process for retirement gifts within the Trust.

### Policy Statement

6. It is the policy of the Trust to ensure that employees who are within one year of, or have reached, retirement age are treated fairly and given the relevant retirement notification as per the Employment Equality (Age) Regulations 2006.
7. The Trust has a legal duty to follow a fair process for the retirement of its employees. A fair retirement is one:
  - 7.1. that takes effect on or after the default retirement age of 65, and
  - 7.2. where the employer has given the employee written notice of the date of their intended retirement, and has told them about their right to request to continue working.
  - 7.3. where the employer has informed the employee of their intended retirement at least six months, and no more than twelve months, before the retirement date. (Ref ACAS – Age and the Workplace, 2006)
8. The Trust's retirement age is 65; however, individuals who have the contracted right to retire at an earlier age retain this right in accordance with the provisions of the NHS Pension Scheme.

9. Employees have a legal right to request to continue working, and the Trust has an obligation to consider such requests. However the Trust is also entitled to refuse any requests and is not required to give a reason for its decision; providing a fair process has been followed, the reason for dismissal will always be retirement.
10. It is the policy of the Trust to give a retirement gift to employees (See Appendix 1, Paragraph 20).

### **Responsibilities**

11. Trust Board and Executive Board have overall responsibility for this policy
  - 11.1. The Director of Human Resources is responsible for compliance and ensuring the policy is kept updated.
  - 11.2. All managers are responsible and accountable for ensuring that the appropriate notification is given to employees reaching retirement age. In addition they must consider any request not to retire as per the processes set out in this policy.
  - 11.3. Employees are responsible for contacting the Pensions Department and ensuring the necessary paperwork is completed in order to claim retirement benefits.

### **Monitoring and Review**

12. The Human Resources Department will provide information for managers, identifying those employees who are covered by the policy.
13. The Human Resources Policy Group will review this policy in three years, unless changes in legislation prompt an earlier review.

### **Training and Development**

14. Managers will be briefed by members of the Human Resources Department on the retirement process.
15. Advice is available from the Human Resources Department on the application of this process.

## **Associated Documents and Policies**

16. This policy should be read in conjunction with:-
  - 16.1. Retirement Process - Appendix 1
  - 16.2. Example letters - Appendix 2
  - 16.3. Retirement Gratuity Requisition Form - Appendix 3
  - 16.4. Equal Opportunities and Diversity Policy No 20

## Retirement Process

### Retirement Process for Employees Reaching 65

1. The Trust's retirement age is 65, and as such the Trust will seek to retire employees when they reach this age.
2. The Human Resources Department will provide managers with details those employees who will be reaching 65 years of age within the next twelve months.
3. The manager will give up to twelve months, and not less than six months written notice to inform employees of their retirement date at age 65. Employees will also be informed that they have a statutory right to request to work beyond the age of 65. (An example letter can be found in Letter 1, Appendix 2).
4. Employees requesting to work longer should write to their manager, detailing whether they:-
  - 4.1. Wish to continue employment indefinitely.
  - 4.2. Wish to continue for a stated period.
  - 4.3. Wish to continue until a stated date.
5. In doing so the employee must state that it is a request under paragraph 5 of the statutory right to request to work beyond the age of 65. (An example request can be found in Letter 1, Appendix 2). Requests should be made no less than 3 months before the notified retirement date.
6. The manager should invite the employee to a meeting to discuss the request with the employee. (An example letter can be found in Letter 2, Appendix 2).
7. The manager must confirm their decision in writing as soon as possible after the meeting (An example letter can be found in Letter 3, Appendix 2).
8. Employees will have a right of appeal against a manager's decision to refuse the request to work beyond the age of 65, or if the manager has agreed to a shorter period than the period proposed by the employee.
9. This appeal should be made in writing to the manager within 10 working days after receiving notification of the manager's decision.
10. An appeal meeting should be set up to consider the appeal as soon as is reasonable. The manager should confirm the outcome of the appeal to the employee. (An example letter can be found in Letter 4, Appendix 2).

11. This process (Paras 3 -10) must be repeated each time an employee nears their retirement date, unless the new retirement date is less than 6 months from the retirement date that was originally notified to them.
12. Managers are responsible for completing the necessary HR/ payroll.

**Retirement Process for Employees 65 and over (no previous retirement notification issued)**

13. In some circumstances, an employee may have passed their 65<sup>th</sup> birthday without receiving notification of retirement from the Trust. In these circumstances the fair retirement process should be followed, ensuring that a minimum of six months notice is given of the intended retirement. (An example letter can be found in Letter 5, Appendix 2).

**Retirement Process for Employees over 65 with agreement to continue employment indefinitely**

14. The process highlighted in paragraphs 3 - 10 must be followed if the Trust wishes to retire an individual who had previously been allowed to continue their employment past their 65<sup>th</sup> birthday.

**Right to be accompanied**

15. Employees have the right to be accompanied by a colleague who is able to address the meeting but not answer questions on their behalf. Their staff side representative can also accompany them. This right also applies to the appeal meeting

**Retirement Options**

16. There are a number of options available to employees as an alternative to normal retirement, which are subject to the agreement of the Trust and attract certain conditions.

These options are:

- 16.1. Winding Down- part time working prior to retirement.
- 16.2. Stepping Down -moving into a junior role with pensions protected at the more senior level.
- 16.3. Retire and come back - retirement and return to work, subject to certain conditions.

### Returning to work

17. Staff wishing to return to their previous role, having left to receive their pension, must have the agreement of their line manager that they are able to do this, prior to handing in their notice. This should include any change in hours requested.
18. There must be at least a 24 hour break in service and during the first calendar month only 16 hours per week can be worked, otherwise the pension is stopped.
19. On returning to work employees will be set up as a new starter and will need to complete all the new starter forms and provide bank details etc. They will be given a new payroll/employee number too.

### Summary of Pension Benefits

20. There are two Sections to the Scheme, the 1995 section and the 2008 section. The 1995 section closed to new members with effect from 1<sup>st</sup> April 2008.

	<b>1995 Section</b>	<b>2008 Section</b>
Pension	A pension worth 1/80 of reckonable pay per year of membership	A pension worth 1/60 <sup>th</sup> of reckonable pay per year of membership
Retirement lump sum	3 x pension. Option to exchange part of pension for more cash	Option to exchange part of pension for cash at retirement, up to 25% of capital value. Some members may have a compulsory amount of lump sum
Normal Retirement Age	60  Nurses, midwives, physiotherapists and Occupational therapists, known as Special Class Status, in post before 6 <sup>th</sup> March 1995 have the right to retire from a normal retirement age of 55, subject to certain conditions being met	65

**Early Retirement**

21. An employee who joined the 1995 section before 6<sup>th</sup> April 2006 can choose to take voluntary early retirement from age 50 and receive reduced benefits. Early retirement for employees for reasons of ill health require specific and individual approval.

**Premature retirement**

22. An employee may be retired prematurely because of redundancy or in the interests of efficiency of the service, with the benefits paid immediately. They must have at least two years membership and have reached the minimum retirement age.
23. In the case of premature retirement in the interests of the service the benefits will be paid without reduction and the Trust will meet the cost of paying the pension early.
24. In the case of premature retirement on the grounds of redundancy there is an option to either take a redundancy payment and have the pension paid at normal retirement age, or take the pension benefits immediately, without reduction. The Trust will use the redundancy payment to meet any additional costs that arise, paying the balance (if any) to the employee.

**Application for retirement**

25. The employee must give appropriate notice as required under their contract of employment that they are resigning from the Trust. The line manager must then complete a leavers form, which should also be faxed to UHB Pensions.
26. UHB Pensions require up to 4 months notice of a member of staff wanting to claim their pension, therefore the more notice the employee gives the line manager, the more likely it is that their pension will be paid without delay when they leave. All annual leave entitlement up to the date of leaving should be taken (i.e. not paid), as this would impact on the calculation dates for pension and delay pension payments.

**Retirement Gifts**

27. Employees who retire will receive a gift from the Trust in recognition of their NHS service and loyalty, according to the following:

10-14years	£150
15-19years	£200
20-24years	£250
25-34years	£300

35-44years	£400
45 years or more service	£500

28. Service is defined as overall aggregated service within the NHS. The above amounts are subject to periodic review. An application form can be found in Appendix 3.

### **Retirement Parties**

29. The Trust does not provide finance for retirement parties.

### **Pensions Department Contact Details**

30. For more information on retirement and pensions please contact:

Pensions Department  
UHB NHS Foundation Trust  
PO Box 881  
Selly Oak  
Birmingham  
B29 6JS  
Telephone number 0121 627 2787

In addition full details on the NHS Pension Scheme can be found on  
[www.nhsbsa.nhs.uk/pensions](http://www.nhsbsa.nhs.uk/pensions)

**Letter 1 - Notification of retirement for employees reaching 65****PRIVATE AND CONFIDENTIAL  
ADDRESSEE ONLY**

Dear

**RE: Notification of Retirement Date -**

The Trust has a legal obligation to provide employees with written notice of the date of their intended retirement at the Trust's retirement age of 65 and to provide between 6 to 12 months notice. I am now writing to inform you that your proposed retirement date from the Trust is to be (65<sup>th</sup> birthday). If you agree to this date, please complete the attached form (question 1) and return it to me.

Alternatively, you can request to continue in your employment indefinitely; for a specified period; or until a specific date. Please complete the attached form (question 2) and it return to me no later than three months before the date stated in paragraph 1. Failure to do so will mean that you lose your right to have your request considered and you will be retired on the retirement date above.

I will give careful consideration to any request you may make to work beyond this date and will make arrangements to meet with you at the earliest opportunity to discuss your request.

If you are in the Trust's Pension Scheme, I recommend that you contact the Pensions Department on 0121 627 8959 for further information and advice.

Yours sincerely

Manager

**CC: Human Resources - personal file**Enc: Request to continue working after 65

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**Retirement Policy No 16****Version 4, Final Draft, April 2010****Sponsor: Sue Donaldson, Director of Human Resources and Organisational Development****Authors: Jeanette Preston, HR Consultant, Chris Goundry, Voluntary Services Manager****Review date: April 2012**

**Request to continue working after 65**

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Department: \_\_\_\_\_ Contact No: \_\_\_\_\_

Line Manager: \_\_\_\_\_ Contact No: \_\_\_\_\_

**Please tick as appropriate  (one choice only):**

1) I wish to retire on the proposed date notified to me by the Trust.

OR

2) I hereby request not to retire on the date notified to me by the Trust. This request is made under paragraph 5 of the Statutory Right to request not to retire. I request to continue my employment:

2a) indefinitely.

or

2b) for a specified period of time. \_\_\_\_\_

(Please specify e.g. 1 month, 1 year)

or

2c) until (please specify DD/MM/YY). \_\_\_\_\_

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

**Please return to your manager no less than three months before your notified retirement date. Failure to do this will result in you losing your statutory right to have your request considered and you will retire on the date notified to you.**

**Office Use:**

Manager's Decision: \_\_\_\_\_

Retirement Date: \_\_\_\_\_

Leaving form/Change form completed on: \_\_\_\_\_

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**Letter 2 – Meeting to discuss request to continue working beyond 65**

Oxford Radcliffe Hospitals   
NHS Trust

**Manager's address**

Address

Tel:

Fax:

Email:

Date

Dear

**Re: Meeting to discuss request to continue working beyond your 65<sup>th</sup> birthday**

I am writing to inform you that a meeting has been arranged to discuss your request to continue working after your 65<sup>th</sup> birthday.

The meeting will be held on (*insert date*) at (*insert time*) in (*insert location*).

You have the right to be accompanied at the meeting by a colleague or trade union representative.

After the meeting, if it is agreed to continue your employment beyond the intended retirement date of (*insert 65<sup>th</sup> birthday*) you will receive written notification. If your request is declined and no agreement is reached you will receive further notification confirming your intended retirement date and informing you of your right to appeal.

Yours sincerely

Manager

CC: Human Resources

**Letter 3 – Letter confirming retirement on intended date**

Oxford Radcliffe Hospitals   
NHS Trust

**Manager's address**

Address

Tel:

Fax:

Email:

Date

Dear

**Re: Outcome of meeting to consider request to continue working beyond 65**

I am writing to inform you that after our meeting held on (*insert date*) to discuss your request to continue working past your 65<sup>th</sup> birthday, it has not been agreed that you can work beyond (*insert 65<sup>th</sup> birthday*) which remains your retirement date.

You have the right to appeal against this decision. If you wish to appeal you must inform me in writing within 10 working days stating your reasons for appeal.

Yours sincerely

Manager

CC: Human Resources

**Letter 4 – Letter to employee notifying the results of their appeal**

Oxford Radcliffe Hospitals   
NHS Trust

**Manager's address**

Address

Tel:

Fax:

Email:

Date

Dear

**Re: Outcome of appeal meeting**

Either:

I am writing to inform you that your appeal against the decision not to allow you to continue working beyond your 65<sup>th</sup> birthday has not been successful. Your retirement date will therefore be *(insert 65<sup>th</sup> birthday)*.

Or:

I am writing to inform you that following our meeting held on *(insert date)* to discuss your appeal to continue working, I have agreed that your new intended retirement date shall be *(insert date)*.

As agreed at this meeting, your new work pattern will be as follows: *(delete if not appropriate)*

Yours sincerely

Manager  
CC: Human Resources

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**Letter 5 – Notification of retirement for employees 65 and over**

Oxford Radcliffe Hospitals   
NHS Trust

Address

**Manager's address**

Tel:

Fax:

Email:

Date

Dear .....

**RE: Notification of Retirement Date**

The Trust has a legal obligation to provide employees with written notice of the date of their intended retirement at the Trust's retirement age of 65. As you have passed this retirement age, I am writing to inform you that your retirement date from the Trust will be *(insert date which must provide a minimum of 6 months notice)*.

You can request to continue in your employment indefinitely; for a specified period; or until a specific date. Please complete the attached form and return to me no later than 3 months before the date stated in paragraph 1. Failure to do so will mean that you lose your right to have your request considered and you will be retired on the retirement date above. I will give careful consideration to any request you may make to work beyond this date. I will inform you of my decision and will make arrangements to meet with you at the earliest opportunity to discuss your request.

If you are in the Trust's Pension Scheme, I recommend that you contact the Pensions Department on 0121 627 8959 for further information and advice.

Yours Sincerely  
Manager

CC: Human Resources

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**Please complete form attached**

**Request to continue working after 65**

Name: \_\_\_\_\_

DOB: \_\_\_\_\_

Department: \_\_\_\_\_

Contact No: \_\_\_\_\_

Line Mgr: \_\_\_\_\_

Contact No: \_\_\_\_\_

**Please tick as appropriate:**1) I wish to retire on the date notified to be by the Trust. 

2) I hereby request not to retire on the date notified to me by the Trust. This request is made under paragraph 5 of the Statutory Right to request not to retire. I request:

2a) to continue my employment indefinitely 2b) to continue my employment for a specified period of time (Please specify e.g. 1 month, 1 year)  \_\_\_\_\_

2c) to continue my employment until (please specify DD/MM/YY)

 \_\_\_\_\_

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

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**Please return to your manager no less than 3 months before your notified retirement date. Failure to do this will result in you losing your statutory right to have your request considered and you will retire on the date notified to you.**

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**Office Use:**

Manager Decision: \_\_\_\_\_

Retirement Date: \_\_\_\_\_

Leaving form/ Change form completed on: \_\_\_\_\_

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Retirement Policy No 16

Version 4, Final Draft, April 2010

Sponsor: Sue Donaldson, Director of Human Resources and Organisational Development

Authors: Jeanette Preston, HR Consultant, Chris Goundry, Voluntary Services Manager

Review date: April 2012

**Application for Long Service / Retirement Gratuity Awards**

From: Manager's Name:..... Date:.....  
 Ward/Dept:..... Ext No:.....

**Please provide an award in relation to**

Long Service \*  
 Retirement \* \*(please tick as appropriate)

**in favour of:**

Dr/Mr/Mrs/Miss/Ms:.....  
 Department:..... Ext No:.....  
 Address:.....

**Details of ORH Service:**

Date employment with ORH commenced:.....  
 Date of retirement (if applicable):.....

**Details of Service with other NHS bodies:**

From:	To:	NHS Body	No. of Years	No. of Months
<b>Total:</b>				

If service is not continuous please give details:-


**Value of Award:**

Value of Long Service Award: £250 \*

Value of Retirement Gratuity Award: 10-14years £150 \*

15-19years £200 \*

20-24years £250 \*

25-34years £300 \*

35-44years £400 \*

45 years or more service £500 \*

\*(please tick as appropriate)

**Total Value of Award Requested:**.....

Vouchers are available for the following organisations and a mix of vouchers can be requested:

John Lewis, JS Sainsbury, Marks & Spencer, Debenhams, H. Samuel and Blackwells.

Voucher Amount:	Organisation

**Service checked and confirmed by Manager:**

Signature:..... Date:.....

Name (in capitals).....

**Authorised Trust Fund Signatory:** *(to be sourced via HR)*

\*Voucher to be drawn on: The Oxford Hospitals General Funds (0300) for both JR and Churchill

\*Voucher to be drawn on: The Horton General Funds (1600)

(\*delete where appropriate)

Signature:..... Date:.....

Please print name:.....

*HR use only:*

<b>Action:</b>	<b>Date:</b>
1. Request for vouchers received on:	
2. Vouchers issued to employee on:	
3. Type of voucher:.....	£
Voucher number: .....	.....
.....	.....
.....	.....
.....	.....
.....	.....
Total:	£.....

Issued by:.....

Countersigned:.....

Received vouchers totalling £..... in recognition of Long Service / Retirement

Employee's signature:.....

Employee's name:..... Date:.....

**Oxford Radcliffe Hospitals Charitable Funds is a registered charity**