

RETIREMENT AND RETURN POLICY	Policy Register No: 15003 Status: Public
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Developed in response to:	Equality Act 2010 Age Legislation
CQC Fundamental Standard:	17

Consulted With:	Individual/Body:	Date:
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Professionally Approved By:		
Peter Waller- Flynn	Head of Human Resources	April 2018

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Policy to be followed by (target staff)	All Staff
Distribution Method	Intranet & Website
Related Trust Policies (to be read in conjunction with)	04017 Flexible Working Policy

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1.0 Purpose

Mid Essex Hospitals NHS Trust (MEHT) recognises and values the significant contribution of the workforce and the skills and experience that they have amassed over the length of their employment within the NHS. It is for this reason that staff considering retirement should be aware of the opportunity that exists for them to retire and return. This policy allows staff to remain in employment without adversely affecting their pension and displays that age does not limit an employee's options with regard to employment. This policy is designed to assist employees who are considering or have taken the decision to retire, taking their pension and wish to return to work in the same or a different role.

2.0 Aims

This policy aims to support how MEHT values the diversity that the older worker may bring to the team and the organisation. It is recognised that retirement is a time of great importance in a person's life. Therefore the Trust is committed to giving employees who are retiring support to ensure a smooth transition when considering the option to return to the work place. MEHT is committed to providing a fair approach to the management of retirement issues.

3.0 Scope

3.1 This policy applies to all MEHT employees irrespective of age, colour, disability, nationality, religion/belief, gender, sexual orientation, marital, social and employment status, gender reassignment, political affiliation, Trade Union membership or any other status, in line with the Equality Act 2010. All employees will be treated in a fair and equitable manner, recognising any special needs of individuals where adjustments may need to be made. No member of staff will suffer any form of discrimination, inequality, victimisation, harassment or bullying as a result of implementing this policy. The policy applies to all employees of the Trust.

3.2 Some staff, particularly those eligible under the NHS Pension Scheme, may wish to retire when they are eligible for pension benefits, whilst others may wish to remain employed for a longer period.

4.0 Principles

4.1 With effect from 1 October 2011 the default retirement age can no longer be enforced. Employees can make their own decision when to retire from employment with the Trust.

4.2 When considering retirement options employees should bear in mind the potential impact on their pension.

4.3 The provisions of Section 16 of NHS Terms and Conditions will apply to employees retiring early on grounds of redundancy.

4.4 The minimum retirement age for members of the NHS Pension Scheme – 1995 section is 50, except for staff who joined on or returned to the scheme after 6 April 2006 for whom the minimum retirement age is 55. The minimum retirement age for members of the 2008 section is 55.

4.5 The normal retirement age (NRA) for members of the NHS Pension Scheme – 1995 section is 60 and age 65 for members of the 2008 section. NRA in 1995 section for members of the special classes is age 55.

- 4.6 Employees considering retirement, particularly flexible retirement, should discuss their plans initially with their line manager.
- 4.7 Information on retirement options and benefits is available from the NHS Pensions website www.nhsbsa.nhs.uk/pensions.
- 4.8 Employees intending to retire should give **four months'** notice of their intention to retire to their line manager and the Pension Team Manager in cases where there are occupational pension implications. Normal contractual notice can be given where there is no membership of the occupational pension. All notice should be given in writing.
- 4.9 Employees should bear in mind that NHS Pensions require 4 months notice of any request for payment of pension benefits, if payment is to be made by the intended retirement date. NHS Pensions require 3 months' notice and Serco ASP requires 1 month in order to process the application – hence 4 months.

5.0 Retirement and Return

5.1 Normal age retirement

- 5.1.1 Employees wishing to fully retire from work must resign from their employment, giving the appropriate contractual notice in writing. They will be expected to take all accrued annual leave prior to their leaving date.
- 5.1.2 The employee should discuss their forthcoming retirement plans with the manager in order for there to be a comprehensive plan to ensure a seamless service for patients. The employee will need to liaise with the Pensions Department and obtain a pensions forecast should this be required. There is a minimum requirement to give 6 weeks notice, employees are advised that it may take longer than 6 weeks to action their pension and therefore they should consider giving at least 4 months notice to the Trust of their intention to retire. An AW8 form should be collected from the Pay and Systems Team and completed and returned with the required original documentation. The Line Manager will need time to complete a termination form to be submitted with this form.

5.2 Retire and Return to the Trust following a prescribed break

- 5.2.1 There may be opportunities for employees to retire from the Trust and return to work within the same Directorate, either in their current role/an alternative vacant post and/or with reduced hours, after a designated break. Employees may also choose to register for the staff Bank by taking retirement, then opting to work on an 'as and when' basis, giving them an opportunity to pick and choose their working hours.
- 5.2.2 Under the provisions of the NHS Pension Scheme, employees have the option to retire from service and take all their pension benefits before returning to NHS employment.

Employees considering this option, who have NHS Pension Scheme membership prior to 5th April 1997, must request the Guaranteed Minimum Pension (GMP) check from the Pensions Officer in the first instance. Retirement cannot go ahead unless the GMP check has been passed. The GMP check only applies in cases of Voluntary Early Retirement (VER) i.e. retirement pre the members NRA.

- 5.2.3 **The right to return to employment with the Trust, is not an automatic right**, however it is recognised that it can be advantageous for both the employee and the service to be able to retain skilled and experienced staff.

- 5.2.4 Once the decision to retire has been made the member staff must complete all normal retirement paperwork as detailed above para 5.1. There must be a minimum of a 24 hour break (this does not include non working days ie weekends) in pensionable employment to satisfy the requirements of the NHS Pension scheme.
- 5.2.5 If you retire and then return to work in the NHS for more than 16 hours within one calendar month your pension will normally be suspended and you may have to repay all or some of the pension you have received. You will be able to keep your lump sum.
- 5.2.6 If you are retiring and returning to work for less 16 hours or less, then all that is needed is a 24 hour break in service. For clarity:
- 5.2.7 **If you return on 16 hours or less a minimum of 24 hours break is required. If you return on 17 hours or more a 24 hour break plus a calendar month is required.**
- 5.2.8 All staff who wish to return to work following retirement on the grounds of age must make a formal request to the Line Manager by completing Appendix 2. The manager will then meet with the employee to discuss the request. The request will be sent to the appropriate Head of Service who will consider the application to return in line with equality of opportunity and service needs. **There is no guarantee that the request will be granted.**
- 5.2.9 The Head of Service will confirm what role, if any are available and the conditions of working that are available to the retiree by completing Appendix 3. Should the retiree not want to take the role offered this would be considered the end of the process.
- 5.2.10 If the retiree is happy to accept the returning role offered and has signed Appendix 3 to confirm acceptance, this should be returned to the Line Manager concerned and kept on the personnel file. The Line Manager will complete an Authority to Recruit (ATR) which must be countersigned by the Head of Service and submitted to HR (Recruitment Team) for the next Pay Control panel to approve. If this is approved the Line Manager is required to forward a copy of the ATR and a completed Appointment Form (SWA) to the Pay and Systems Team and the appropriate HR Manager so that the staff member can be put back on to the payroll.
- 5.2.11 Staff will be required to obtain Occupational Health clearance for all returning roles and will need to apply for a DBS (Disclosure & Barring Service) check if moving to a role in a different department.
- 5.2.12 Staff will be issued with a new Contract of Employment for their new role.
(Substantive/Fixed Term)
- 5.2.13 Members of the 1995 section NHS Pension Scheme must work less than 16 hours per week within one calendar month of retirement, and/or be under the normal retirement age, to avoid their pension being suspended. This restriction does not apply to members of the 2008 section.
- 5.2.14 Employees who are in receipt of any earnings related protection will lose that protection on their return to work following the break in service.
- 5.2.15 Once an employee retires and receives their pension benefits in relation to their NHS service, this service will no longer be counted as 'reckonable' for redundancy purposes (para 16.6 of NHS Terms and Conditions). Where an employee takes their pension benefits and returns to work at the Trust, reckonable service will begin from the date of return to employment after the break in service. Statutory redundancy pay may still be

payable if a statutory break is not achieved. For those employees who were not members of the NHS Pension Scheme Occupational Redundancy Pay may still be payable if a statutory break is not achieved.

5.2.16 Employees who retire and take their pension benefits before returning to work will not be able to re-join the NHS Pension Scheme. Members retiring from the 2008 section may re-join the 2008 section. Members retiring on ill health grounds from the 1995 section and return before the age of 50 may re-join the 1995 section.

6.0 Roles/Responsibilities

6.1 Human Resources Team

The Human Resources Team will provide the appropriate technical support and advice.

6.2 Managers

6.2.1 Managers will ensure that this policy and procedure is implemented fairly and equitably within their service area.

6.2.2 Managers must ensure that all employees are aware of this policy.

6.2.3 Managers should have open discussions with all employees about their future plans in accordance with the Performance Development Review process and to ensure that these are conducted in an atmosphere of trust.

6.2.4 Managers must complete the appropriate paperwork relating to retirement and send to Payroll in a timely way. For employees who wish to take their pension, Payroll will require the (SWC) Termination form 4 months before the retirement date.

6.2.5 Managers must submit an approval form (Appendix 3) to the Head of Service when an employee requests to retire and return.

6.2.6 Manager must support and encourage employees to attend pre-retirement courses.

6.3 Employees

6.3.1 Employees are required to comply with this and any related policies and procedures.

6.3.2 Employees should give the Pensions Department 4 months' notice (where possible) of their plan to retire so that the pension can be arranged.

6.3.3 Employees who are members of the NHS pension Scheme should complete the AW8 retirement form 4 months prior to the date of retirement.

6.3.4 Employees must communicate with their manager about their future plans including any plans for retirement as early as possible to support the succession planning process.

6.3.5 Employees must give notice of their plan to retire by writing a letter to their manager in accordance with the notice periods set out in their employment contract.

6.3.6 Employees must complete the Retire and Return Request form (Appendix 2) if they wish to retire, take their pension and then return to work on reduced hours.

6.3.7 Employees should attend pre-retirement courses as appropriate.

7.0 Audit and Monitoring

- 7.1 The policy will be monitored annually by the Human Resources Operations Team.
- 7.2 A yearly audit of all Authority to Recruit (ATR) forms submitted to the Pay and Systems team relating to Retirement and Return applications will be carried out and submitted to JCNC. This will be completed by the Human Resources Operations Team.

8.0 Communication and Implementation

Staff will be made aware of this policy through reference at Corporate Induction and dissemination via Staff Focus. The document will be stored for access to all on the MEHT Intranet under HR Policies.

9.0 Review

This policy and procedure will be reviewed within 24 months of its agreement and bi-annually thereafter. Any additional amendments will be made in accordance with any changes in legislation.

10.0 Equality Impact Assessment

The Trust is committed to the provision of a service that is fair, accessible and meets the needs of all individuals. An Equality Impact Assessment is attached at Appendix 6.

11.0 Useful Contacts

NHS Pensions Helpline - Website <http://www.nhsbsa.nhs.uk/Pensions.aspx>

NHS Pensioners Trust - The objective of the Pensioners Trust is to relieve hardship among beneficiaries (Any NHS retired staff or husband, wife, widow or widower of retired NHS staff). The Trust can be contacted on 020 7307 2506.

NHS Retirement Fellowship - A self-help organisation catering specifically for retired NHS staff. Its aim is to encourage friendship and relieve loneliness and worry for retired NHS staff. The Fellowship can be contacted on 01305 361317.
Website <http://www.nhsrf.org.uk>

PENSIONS – the Pensions Manager based at SERCO ASP, Witham payroll and can be contacted on +44 (0)1376 30 2618

CHECKLIST FOR MANAGING RETIREMENT

NAME OF EMPLOYEE	
Current Role	
Date of Intended Retirement	

DISCUSSION WITH EMPLOYEE REGARDING RETIREMENT, FUTURE OPTIONS ETC.

AW8 Retirement form to be requested by employee if a member of NHS Pension Scheme	
Date for SWC – Termination form completed and submitted	

TO BE COMPLETED ONLY IF A REQUEST HAS BEEN SUBMITTED TO RETURN TO WORK	
ACTION	DATE
Date Retirement and Return request form submitted to Head of Nursing/Service Lead	
Date Outcome received	
Date Outcome letter sent to retiree	
Date ATR Submitted	
Date ATR Approved	
ATR attached to appointment form	
Date Appointment Form completed and forwarded to Pay and Systems Team	
Date OH Clearance Received	
Date DBS Received	

Request for Retire and Return

This page to be completed by Staff member

Name of Employee		Line Manager	
Current Post Details			
Title of Post	Department & Site	Pay Band	Actual Hours
I confirm my intention to retire on (please confirm date of retirement)			
I wish to return to work on (please confirm date of return)			

Requested Post Details for Return				
Title of Post	Department & Site	Pay Band	Actual Hours	Hospital Base
Any additional information / special circumstances that you want your Line Manager to consider?				

Medical and Dental staff only:
Please indicate what your proposed Job Plan will be below:

Signature	Date
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Return Completed Form to: Line Manager

Outcome for Retire and Return to Work Request

Section A – Post Offered Details – to be completed by Line Manager

Title of Post				Department & Site	
Pay Band	Actual Hours	Hospital Base	Whole Time Equivalent	Cost centre	Account Code
Has the job description for this post been matched by an AFC panel?			Yes/No		

Do you support the employees request to retire and return? If yes

Further information:

Section B – Authorisation – to be completed by Line Manager**Please ensure you type your authorisation below,**

Signed by Line Manager _____

Date _____

Line Manager to send to Head of Nursing, Head of Department or Clinical Director as appropriate

Signed by HON/HOD/CD _____

Date _____

Accepted**Rejected****HON/HOD/CD to send on to Finance Manager**

Signed by Finance Manager _____

Date _____

Finance Manager send back to staff member**Section C – to be completed by Retirees requesting to return to work**

I sign to confirm that I am accepting the role stated in Section A of this form

Title _____

Signed by _____ Date _____

Template Letter re Outcome for Request to Return to Work

Dear (Name)

I write to confirm the arrangements for your return to work following your retirement.

Termination of existing post Date:

New Start Date:

Post Title:

Department & Site

Pay Band

Hours

Base

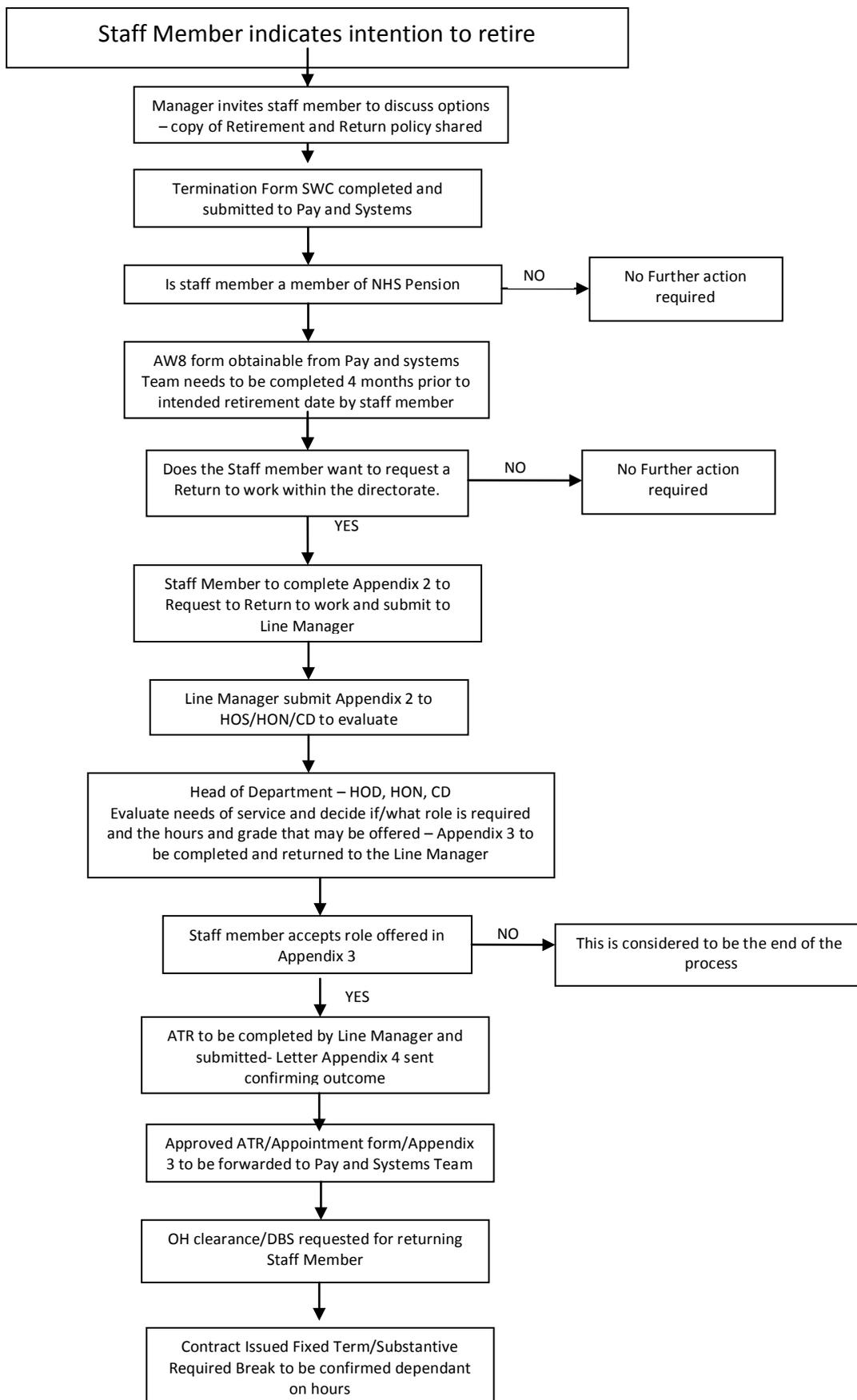
Whole Time Equivalent

You will be required to apply for a DBS check and obtain Occupational Health clearance prior to starting in your new role.

Yours sincerely.

Line Manager

Process Flowchart for Request to Return to Work



Equality Impact Assessment (EIA)

Title of document being impact-assessed:

Equality or human rights concern. (see guidance notes below)	Does this item have any differential impact on the equality groups listed? Brief description of impact.	How is this impact being addressed?
Gender	Impact of the policy is neutral	
Race and ethnicity	Impact of the policy is neutral	
Disability	Impact of the policy is neutral	
Religion, faith and belief	Impact of the policy is neutral	
Sexual orientation	Impact of the policy is neutral	
Age	Impact of the policy is neutral	
Transgender People	Impact of the policy is neutral	
Social class	Impact of the policy is neutral	
Carers	Impact of the policy is neutral	

Date of assessment: 27.02.18

Names of Assessor (s) Lisa Mellor