

Retirement Policy

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Equality, Diversity And Human Right Statement	The Trust is committed to an environment that promotes equality and embraces diversity in its performance both as a service provider and employer. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its policies, procedures, service development and engagement processes. This procedure should be implemented with due regard to this commitment.		
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Version number	Page	Changes made with rationale and impact on practice	Date
3		Removal of two week break in service, now 24 hours break in service. Removal of 16 hours abatement rule within the first month of return.	11/04/2023
3		Appendix 3, appendix 4 and Appendix 5 added Section 2.9 added regarding Fast Track Retirement Section 2.11 Flexible Retirement updated with a full review of the process Section 2.11.5 Draw Down / Partial Retirement Updated to reflect changes to NHS Pension Scheme Section 2.11.7 Retire and Return updated Section 2.13 Salary Sacrifice added to confirm impact on pension	

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1. Purpose

This policy sets out the Trust's position on staff approaching retirement and aims to provide a uniform and equitable approach to the management of retirement and flexible retirement.

The Trust recognises the value of a diverse and experienced workforce and therefore promotes an age positive flexible approach to the retirement and employment of older workers. This is achieved by considering and offering a range of options, based on individual circumstances, which strike a balance between service requirements and individual aspirations.

It also recognises the importance of supporting employees to achieve a balance between their work and home life, not only during employment but also in planning the transition to retirement. As an alternative to formal retirement, this policy also provides for the flexible retirement of staff whereby they can request to work alternative patterns either in anticipation of retirement or following it and this will be considered dependent on service requirements.

2. Policy Content

2.1 Compulsory Retirement

The Trust does not operate a mandatory retirement age, therefore, the decision about whether to retire is a matter for each individual employee. This enables employees to formally retire at an age which is appropriate to their circumstances and is in accordance with the Equality Act 2010 to prevent any discrimination on the grounds of age.

When considering whether to retire staff members are encouraged to engage with the following resources to support their decision:

- [Pre – Retirement Training Course](#)
- [Understanding your Pension Changes](#)
- [Focus on your finances](#)

2.2 State Retirement

Retirement age is not the same as State Pension. State Pension age is the earliest you can start receiving your State Pension and it may be different, depending on when someone was born and if they're male or female. Anyone can carry on working past State Pension age. For further information on State Pension eligibility, staff should refer to the Department for Work & Pensions website.

2.3 NHS Pension

The NHS Pension Scheme is made up of the 1995/2008 Scheme and the 2015 Scheme. From 1 April 2015 all new joiners, without previous scheme membership, will join the 2015 Scheme. Some existing members will retain rights to remain in the 1995 or 2008 section of the existing scheme.

Scheme members pay contributions towards pension benefits based on their pensionable pay and under sections 1995/2008 of the Scheme members will receive an annual pension and a lump sum when they retire. Section 2015 enables staff to exchange part of their pension for a lump sum.

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.

Any information detailed in this policy relating to the NHS Pension Scheme is correct at the time of publication but may be subject to change. In consideration of this, for specific advice on pension matters and prior to requesting any form of flexible retirement, staff should always be encouraged to seek advice from the Pension team at Pay and Staff Services, NHS Pensions, the Business HR team and/or an appropriate trade union representative.

A brief summary of retirement benefits and provisions are shown in the table below.

Feature or benefit	NHS staff, practice and approved employer staff (officers)		Practitioners		All NHS workers and approved employer staff
	1995 Section	2008 Section	1995 Section	2008 Section	
Pension	An annual pension worth 1/80th of best of last 3 year's pensionable pay per year and pro rata for any part year of membership	An annual pension worth 1/60th of reckonable pay per year and pro rata for any part year of membership	An annual pension worth 1.4% of total uprated annual earnings	An annual pension worth 1.87% of total uprated annual earnings	A pension worth 1/54th of each years' pensionable earnings, revalued at the beginning of each following scheme year in line with a rate set by Treasury plus 1.5 % whilst in active membership
Retirement lump sum	3 x pension. Option to exchange part of pension for more cash at retirement, up to a limit	Option to exchange part of pension for cash at retirement, up to a limit. Some members may have a compulsory amount of lump sum	3 x pension. Option to exchange part of pension for more cash at retirement, up to a limit	Option to exchange part of pension for cash at retirement, up to a limit. Some members may have a compulsory amount of lump sum	Option to exchange part of pension for a lump sum up to a limit
Normal pension age	60	65	60	65	Equal to your State Pension Age or age 65 if that is later
Minimum pension age	55 (50 if you joined before 6 April 2006)	55	55 (50 if you joined before 6 April 2006)	55	55
Pensionable pay	Normal pay and certain regular allowances		Pensionable earnings from NHS work		Pensionable earnings from NHS Employment
Uprated earnings	Not relevant		The final value of pensionable earnings after adding all years' revalued earnings.*		

2.3.1 Partial Retirement

From 1 October 2023, the Department of Health Social Care is introducing changes to partial retirement, sometimes known as 'draw down', refer to section 2.11.5 for more information. Partial retirement allows members to claim some of their pension benefits and continue in their job. Members with benefits in the 2008 Section or 2015 Scheme are already able to take partial retirement, and from 1 October 2023 this option will also be available to members with 1995 Section benefits.

- From 1 October 2023, you will be able to take between 20% and 100% of your pension benefits, without having to leave your current job.
- You can continue building your pension in the 2015 Scheme.

- You won't need to take a break or change jobs, but you will need to submit a flexible retirement application form (appendix 3) as per section 2.11 as you are required to adjust your hours or reshape your contract, so your "pensionable pay" is reduced by 10% for the first year (or your pensionable commitment by 10% if you're a Practitioner). Please see section 2.11

2.4 Normal Pension Age

The 'normal pension' age referred to in the NHS Pension Scheme is the age that a staff member can retire from NHS employment and have their pension paid without reduction or enhancement.

For staff who contribute to the '1995 Section' of the NHS Pension Scheme the normal pension age is age 60. For staff who contribute to the '2008 Section' of the NHS Pension Scheme the normal pension age is age 65. If a member of staff chooses to work beyond their normal pension age without accessing their pension then their pension will be paid when they eventually retire.

For staff in the 2015 section of the NHS Pension Scheme the normal pension age is the individuals State Pension Age or age 65 if that is later.

2.5 Special Class Status

Nurses, midwives, health visitors, physiotherapists and mental health officers in post before 6th March 1995 are collectively described as having 'special class status'. The normal pension age for a member of the NHS Pension Scheme with special class status is age 55, provided that the last 5 years of membership prior to retirement is as a special class member.

Special class status stopped being awarded to new Scheme entrants from 6th March 1995 and is not available to members of the '2008 Section' or the 2015 Section of the NHS Pension Scheme.

Abatement of special class status members who retire and return to work between ages 55 to 60 will be suspended to 31 March 2025.

2.6 Removal of Maximum Service Limits

From 1 April 2023, maximum service limits will be removed. Members who have benefits in the 1995 and 2008 Sections who have previously been non-pensionable because they have exceeded maximum service limits will be able to join the 2015 Scheme from 1 April 2023 providing they claim their pension benefits in full. The age limit for 2015 Scheme membership (75 years) still applies.

2.7 Actuarially Reduced Early Retirement (ARER)

A member of staff may choose to retire prior to reaching their normal pension age and receive an actuarially reduced pension and, where relevant, lump sum (subject to

approval from NHS Pensions). The earliest age at which staff can retire is referred to as the minimum pension age.

For staff who contribute to the '1995 Section' of the NHS Pension Scheme and joined before 6th April 2006 the minimum pension age is age 50. For staff who contribute to the '1995 Section' of the NHS Pension Scheme and joined on or after 6th April 2006 the minimum pension age is age 55. For staff who contribute to the '2008 Section' of the NHS Pension Scheme the minimum pension age is also age 55. Members of the 2015 scheme have a Normal Pension Age linked to the State Pension Age.

Members with deferred benefits who left the Scheme after 30th March 2000 may also choose to retire early on a reduced pension. Members active between 31st March 2000 and 5th April 2006 can take their pension from age 50. Members not active between 31st March 2000 and 5th April 2006 can only take their pension from age 55.

For staff that hold special class status (members of the 1995 scheme only) and retire voluntarily before age 55, benefits will be reduced as if their normal pension age was 60.

2.8 Ill-Health Retirement

Staff members contributing to the NHS Pension Scheme who are permanently prevented from performing their duties due to ill-health may make an application to NHS Pensions for ill-health retirement. It is usually the case for such situations to be linked to periods of sickness absence and therefore to arise during discussions with employees under the terms of the Trust's Managing Sickness Absence policy. Reference should therefore be made to this policy when considering ill-health retirement.

To receive ill-health pension benefits an employee must have at least two years membership of the NHS Pension Scheme.

Members of staff, who wish to be considered for ill-health retirement should liaise with their line manager, HR Representative, Pension Services and, if applicable, Trade Union Representative prior to submitting an application.

The Ill health [retirement application form AW33E](#) can be accessed using the hyperlink.

There is no automatic right to ill-health retirement and a successful application will be subject to approval by NHS Pensions.

Further advice and guidance can be found in the [NHS pensions guide](#).

2.9 Fast track Ill health retirement application

A staff member can request their application for ill health retirement benefits to be dealt with urgently, if you have been given a terminal diagnosis, with less than twelve months to live.

If you're in NHS employment, your Manager should email a scanned copy of the [AW33E application form](#), [AW8](#) and if applicable [AW341 claim forms](#) to stakeholderengagement@nhsbsa.nhs.uk

2.9.1 Serious Ill Health

If a member is terminally ill and does not expect to live longer than a year, and have been awarded Tier 2 ill health, they can apply at retirement to exchange all of the ill health benefits for a one-off lump sum payment. Please refer to the following NHS Pension website for more information: <https://www.nhsbsa.nhs.uk/member-hub/applying-your-pension>

The Trust has joined the ***Dying to Work Charter*** to further support staff during a time where they and their family face huge emotional stress, fear and possible financial concerns. The charter is about choice. It's about giving an individual options around how they want to proceed at work. In some cases, an individual will want to continue to work for as long as they can, for financial security or because work can be a helpful distraction from their illness. In other cases, a person may decide that they do not want to work anymore and would rather spend their remaining time with family and friends, getting their affairs in order, or simply doing what they want. Whatever choice a person makes they should expect help and support from their employer.

For full details please visit www.dyingtowork.co.uk

2.10 Retirement Procedure

Staff who are members of the NHS Pension Scheme and who are intending to retire should inform their line manager in writing at least four months prior to their intended retirement date. They should also request from the Trust's Pension Team a [retirement application form \(AW8\)](#) so as to enable the calculation of final pension figures and arrange payment.

If the employee is not in the NHS Pension Scheme then their normal notice period will apply as per their contract of employment.

In the case of an ill health application, the [AW8](#) will be automatically sent to the member's home address on receipt of the NHS Pension ill health acceptance letter. Upon receipt of an employee's formal retirement notification, managers should ensure that appropriate termination processes are followed. Managers should be aware that the application cannot be processed until their leaving date has been confirmed. Please refer to the Wellbeing and Sickness Policy for the ill health retirement process.

General guidance and assistance is available via the Pensions Web Site at <https://www.nhsbsa.nhs.uk/nhs-pensions> and for more individual details by personal enquiry through their helpline – 0300 3301 346.

2.11 Flexible Retirement

2.11.1 Alternatives to Retirement / Flexible Retirement options and Application

The Trust may be able to offer flexible retirement options to staff, both to aid them in the transition between work and retirement and retain within the Trust the services of employees belonging to scarce skill occupations who would otherwise retire altogether and whose skills and knowledge would be lost.

Any persons wishing to apply for flexible retirement are responsible for ensuring that they have fully researched and understand any potential influence on their pension situation and financial value before making a final decision and are encouraged to discuss with the Trust's Pensions Team, NHS Pensions or an appropriate trade union representative the specific effect of their chosen option on their pension. Staff members are also strongly recommended to seek independent financial advice if in doubt.

The NHS Pension Scheme allows staff members who are thinking about retirement to consider a variety of alternative working patterns in anticipation of formal retirement, as outlined below. Requests to do so should be made in accordance with the terms of the Flexible Working Policy and will be subject to management approval.

2.11.2 Flexible Retirement Application Process

Employees are able to request Flexible Retirement which offers a number of options as outlined below. Anyone wishing to apply for flexible retirement should do so in writing by completing a Flexible Retirement Request form (appendix 3) to their line manager.

Managers should advise employees to contact the Pensions team and seek advice regarding their pension prior to making a decision regarding flexible retirement.

Managers must consider requests on a case by case basis, in a fair and consistent way and whilst requests will be accommodated where possible, there is no obligation to approve a request unless this is in line with operational needs. When responding to a request, managers are not obliged to offer an employee a return to their previous role as this will not always be possible.

If a manager is unable to approve a request, they may respond with an offer of a different role, banding, hours and working pattern to the employee to accommodate their request. Medical staff job plans must be reviewed as a part of this process.

The Trust will make every reasonable attempt to accommodate requests for Flexible Retirement in a consistent, fair and equitable manner however, the Trust reserves the right to refuse requests on the grounds of:

- Economic reasons associated with a changing role
- Planned structural changes including reorganization of work and the department
- Genuine medical reasons which can only be supported by evidence from Occupational Health

Should any request be turned down, this must be clearly stated in writing within 7 days with an explanation to the employee and details of their right to appeal within 14 days of the date on the confirmation letter.

Once formal approval has been given Managers should confirm the request in writing. A template letter can be found in Appendix 4.

*****Please note:**

If the department are unable to agree your flexible working request, this may impact on your flexible working retirement options.

The Flexible Working Retirement options available are:

2.11.3 Wind Down

As an alternative to retiring, staff can request to 'wind down' by working fewer days or hours in their current post via the Flexible Retirement Request Form (Appendix 3) to their Line Manager which and this will be considered subject to service requirements.

Pension benefits are calculated on whole time equivalent salary pro-rata to the hours worked. A reduction in days or hours worked therefore should not reduce the level of pensionable pay for the calculation of previously accrued pension benefits. However, the rate at which members build up future membership will reduce.

2.11.4 Step Down

Staff who would like to consider reducing the pressure and responsibilities of their current role can request to 'step down' into a less demanding post with lower pay in anticipation of formal retirement via the Flexible Retirement Request Form (Appendix 3). A request to step down in to a lower band / pay does not come with pay protection relating to their salary.

If the employee chooses to change their role, and the Trust agrees, the employee would be paid the appropriate rate for that role. In this situation, if the Trust agrees that stepping down is an acceptable option, employees contributing to the '1995 Section' can apply to have their existing pension rights frozen. In this instance the employee would then start a second pension based on the stepped down pay and, upon retirement, would receive both pensions added together. For queries relating to voluntary pension pay protection staff can refer to <https://www.nhsbsa.nhs.uk/member-hub/membership-nhs-pension-scheme> under 'Protection of Pay'.

Further advice on protecting pensionable pay should be sought from the Trust's Pension Team or NHS Pensions. Where staff need any support regarding advice on the Retirement Policy, staff can request this from your appropriate trade union representative.

For further in-depth financial advice regarding retirement options, staff may seek advice from an external, independent financial pension advisor.

2.11.5 Draw Down/ Partial Retirement

This option is available to members of the '2008 & 2015 Section' of the NHS Pension Scheme and allows employees to take part of their pension benefits while continuing in NHS employment.

From 1st October 2023, members of the 1995 section also have the option to draw down their pension.

Upon reaching the minimum pension age staff may request via the Flexible Retirement Request Form (appendix 3) to reduce their pensionable pay by at least 10% (through a decrease in hours or salary band) for a minimum period of 12 months. If their request for flexible working is approved, this will enable the staff member to and can 'draw down' between 20-100% of their pension earned to date (subject to actuarial reduction before age 65) while continuing to build up future membership in the 2015 scheme. Staff are advised to use the Partial Retirement Calculator (appendix 5) to ensure their contractual change results in a reduction in their pensionable pay.

If the department are unable to support a decrease in hours or salary band and decline the staff members flexible working request, the employee will not be able to Draw Down their pension. Therefore, managers must give careful consideration to the request.

For full information regarding Draw Down, please see [Partial retirement | NHSBSA](#)

2.11.6 Working after Retirement

Members of staff who have reached the minimum retirement age of their NHS Pension Scheme may request to retire from service, receive their annual pension and, where relevant, lump sum entitlement and then return to work under a new contract of employment.

Staff are asked to be mindful that the Trust must comply with NHS Pension Scheme rules and that abatements can apply to 1995, 2008 and 2015 Section members under certain circumstances, for example those staff who have special class status or are returning to work after ill health retirement. Further information can be found at the following link <https://www.nhsbsa.nhs.uk/member-hub/applying-your-pension> in the 'Returning to work after you get your pension'.

Abatement deductions have been suspended until 31/03/2025.

Staff members are strongly advised to consider how this may impact on them and should speak to the Trust Pensions Team and NHS Pensions to ensure that they are fully aware of any immediate or potential implications.

2.11.7 Retire and Return

Staff can request to retire, receive their pension and return to work following formal retirement with their line manager via the Flexible Retirement Request form (appendix 3).

If the line manager is able to accommodate the request and the Trust agreed, then the employees existing contract of employment will be terminated, and they will be re-engaged on a new contract.

Circumstances where this may be appropriate include:

- Difficulty finding replacement staff
- Assisting in organisational change plans
- Training of staff or specific project requiring the employees specialised skill or knowledge
- Where casual staff are regularly required

From the 1 April 2023, all retired members will have the option to return to work after a break of at least 24 hours and will **automatically** re-join the 2015 Pension Scheme. Anyone who retired prior to the 31st March 2023 can opt to return to the 2015 section of the pension scheme. Where the Trust accepts a request to return to work the 16-hour rule has been permanently removed from the pension regulations therefore, staff can request to return to hours greater than 16 hours which the department can consider. However, the staff member needs to be aged at least 55 to be eligible (50 if part of the 1995 section).

A staff member can request to return to work on a permanent basis or for a fixed period of time which would be managed in line with the Fixed Term Contract terms and conditions.

Where staff request a fixed term contract, where this can be accommodated it will be subject to an annual review to decide whether the role is still required and continues to meet service needs.

- Any staff who are classed as Very Senior Managers (VSM) will be subject to earnings restrictions as their new salaries plus their pension upon returning to employment cannot be more than their original salary prior to retirement. It is expected that all VSM staff reduce their contractual hours as part of the request.
- The option to re-engage in the 2015 NHS pensions contribution scheme
- No restriction on the amount of earning, that would previously have affected your pensionable pay.

Upon formal retirement, employees will auto-enrol in to the '2015 Section' of the NHS Pension Scheme.

Further advice on protecting pensionable pay should be sought from the Trust's Pension Team or NHS Pensions. Where staff need any support regarding advice on the Retirement Policy, staff can request this from your appropriate trade union representative.

For further in-depth financial advice regarding retirement options, staff may seek advice from an external, independent financial pension advisor.

When a staff member does opt to retire and return, section 16.6 of the Agenda for Change Terms and Conditions will be applicable.

*For Managers Only – Please complete Flexible Retirement Form on GreenLight

2.12 Casual/Temporary Work/ Alternative Roles

Subject to the provisions outlined above, there is also the opportunity for employees to retire and return to work on a periodic or ad hoc basis, working for limited periods of mutual benefit to cover absence or peak activity. This could include school holidays, occasional days, or temporary job fill. This may be of particular benefit during the winter months when the need for extra staff to cope with increased activity levels is at its highest.

These staff will normally be employed mainly on flexible work (i.e. on demand) and periods of work will usually have no impact on pension entitlement. The only controlling factor would be eligibility to practice for nurses and other regulated professions therefore staff wishing to work on this basis would need to maintain their registration. However, periods of paid employment such as these may impact on any state benefit entitlement, credits or other support (e.g. – reduction in council tax) and advice should be taken where these are claimed.

Staff members who have retired may be a resource of qualified staff who are interested in returning to work but who do not want to commit themselves to regular hours may wish to consider registering on the Staff bank. In this way, links with skilled and experienced people who may be happy to return to work for varying periods of time will be maintained.

2.13 Salary Sacrifice

The fact that your contractual pay is being varied to a reduced level means that your level of pension contribution will be reduced (i.e. the level of your pension contribution will be based on the Revised Basic Salary). Your take home pay will be different as a result.

With regard to the NHS Pension Scheme, whether or not there will be an impact depends on what scheme you are a member of (i.e. whether you are a member of the 2015 Scheme, or the 1995/2008 Scheme), and in respect of any accrued benefits in the 1995/2008 Scheme, whether the salary sacrifice runs into the period used to calculate your pension entitlement.

1995/2008 Scheme

If you are entitled to Full Protection in relation to the 1995/2008 Scheme (i.e. as at 1st April 2012 you were already over your Normal Pension Age (NPA) or ten years or less from your NPA and in active membership on both 1st April 2012 and 31st March 2015), then there will be no impact unless the salary sacrifice runs into the period used to calculate your pension entitlement.

This is because your entire pension entitlement will be determined by the income received in either:

- One of the last three years (usually the last year) prior to retirement – if you joined the NHS Pension Scheme prior to 1st April 2008; or
- An average of the best three consecutive years in the last ten years (usual the last three years) prior to retirement – if you joined on or after 1st April 2008.

Accordingly, any salary sacrifice that is in place during the period that is used to determine ongoing pension entitlement, will have an impact on the pension received.

2015 Scheme

For all employees in the 2015 Scheme, given future service benefits will accrue on a Career Average Revalued Earnings basis, your pension in the 2015 Scheme will be based on your pensionable pay for each year you are in this scheme.

This means that the pension you earn each year is based on pensionable pay in that year and is increased by a set revaluation rate, linked to inflation, for each year up to retirement or leaving. The final pension is then calculated by adding together the pension earned in each year of NHS Pension Scheme membership in the 2015 Scheme, so it will not be limited to the period immediately before you retire or leave as is the case under the 1995/2008 Scheme.

This basis of calculation for final pension entitlement in the 2015 Scheme means that any salary sacrifice that exists during membership of this scheme will have the effect of lowering your pensionable earnings each year and therefore affect your final pension entitlement in the 2015 Scheme.

It is therefore recommended that you obtain advice to understand the impact that any salary sacrifice will have on your specific pension entitlement before entering into a salary sacrifice arrangement. This advice can be sought from NHS Pensions on 0300 330 1346.

2.14 Guidance for Managers

The Trust will promote the application of this policy and an age positive approach to its employees. In the event of any request being received for a flexible retirement option as defined in 2.11, the line manager may consult with their Business HR Representative to consider the request and the decision will be provided in writing within 21 days of it being made.

When considering any request for a flexible retirement option (e.g. wind down, step down or retire and return (see corresponding previous sections) managers must consider the following factors when making a decision:

- Will the request affect the department's ability to meet service needs or efficiently operate/function against requirements?
- Can the workload be re-organised amongst existing staff?
- Can additional staff be recruited to cover for reduced hours?
- Is any organisational change planned that might be affected?
- What is the additional cost, if any?
- Are there any concerns about the capability (or potential capability) of the individual making the request?

This list is not exhaustive and there may be other things that need to be taken into consideration when coming to a decision.

Should any request be turned down, this must be clearly stated in writing with an explanation to the employee and details of the appeal process.

2.15 Capability

Performance issues that do arise will be dealt with as a capability issue, as with any member of staff.

Issues relating to professional registration, insurance and possession of an appropriate driving licence will be considered at an early stage should they be appropriate to the role being performed. An individual will not be employed in a post which puts either them or the Trust at risk in any case.

2.16 Workplace Discussions

It is important that the Trust is able to plan its workforce requirements to meet future business needs. In consideration of this it is imperative that managers discuss with employees regularly their future aims and aspirations, including any retirement intentions, to identify their training and development needs and provide an opportunity to discuss future plans and work requirements and the impact these may have. These discussions can take place informally at any time but at the very least should be part of the annual performance appraisal process.

To mitigate any risk of discrimination, these discussions should take place with all employees and not be limited to older workers. They should also be confidential, transparent, and undertaken in an atmosphere of trust.

The outcome of workplace discussions and records of objectives and progress should be kept by managers and a copy provided to the employee.

2.17 Health and Performance

For some staff health and performance may decline with age although this is not the case for everyone, and it is important not to stereotype older workers. If health or performance issues are identified in someone approaching normal pension age they will not go unaddressed and, regardless of age, will be dealt with in accordance Trust's Capability Policy or Attendance Management Policy as appropriate.

2.18 Support and guidance of completing NHS Pension application forms

For help and guidance with completing the AW8 Pension application form click the link to the guide [here](#).

For help and guidance with completing the AW33E III health application form click the link to the guide [here](#).

3. Exceptions

No exceptions.

4. Monitoring of Compliance

The Business Human Resources Team will be responsible for the management of this policy. The formal review of all HR Policies will be undertaken in accordance with the Trusts HR Policy Review Programme. In addition, the effectiveness of this policy will be monitored by Business HR and the policy may be reviewed and amended at any time if is deemed necessary. Notification of any changes to polices will be communicated to all staff.

Staff should be aware that the Trust intranet site version of this document is the only version that is maintained and controlled. Any printed copies should be viewed as 'uncontrolled' and as such may not necessarily contain the latest updates and amendments.

5. Relevant Regulations, Standards and References

5.1 Relevant Legislation

The Finance Act 2004

The Employment Equality (Age) Regulations 2006 (Amendment) Regulations 2008
Equality Act 20105

5.2 Associated Policies and Guidance Documents

Flexible Working Policy

Equality and Diversity Policy

Long Service Policy

Capability Policy

5.3 Useful Contacts

NHS Pensions Agency

Tel: 0300 3301 346 Website: <http://www.nhs.gov.uk>

6. Equality, Diversity and Human Right Statement

The Trust is committed to an environment that promotes equality and embraces diversity in its performance both as a service provider and employer. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its policies, procedures, service development and engagement processes. This SOP should be implemented with due regard to this commitment.

To ensure that the implementation of this policy does not have an adverse impact in response to the requirements of the Equality Act 2010 this policy has been screened for relevance during the policy development process and a full impact assessment conducted where necessary after appropriate consultation. The Trust will take remedial action when necessary to address any unexpected or unwarranted disparities and monitor workforce and employment practices to ensure that this policy is fairly implemented.

This policy and procedure can be made available in alternative formats on request including large print, braille, moon, audio cassette, and different languages. To arrange this please contact Business Human Resources in the first instance.

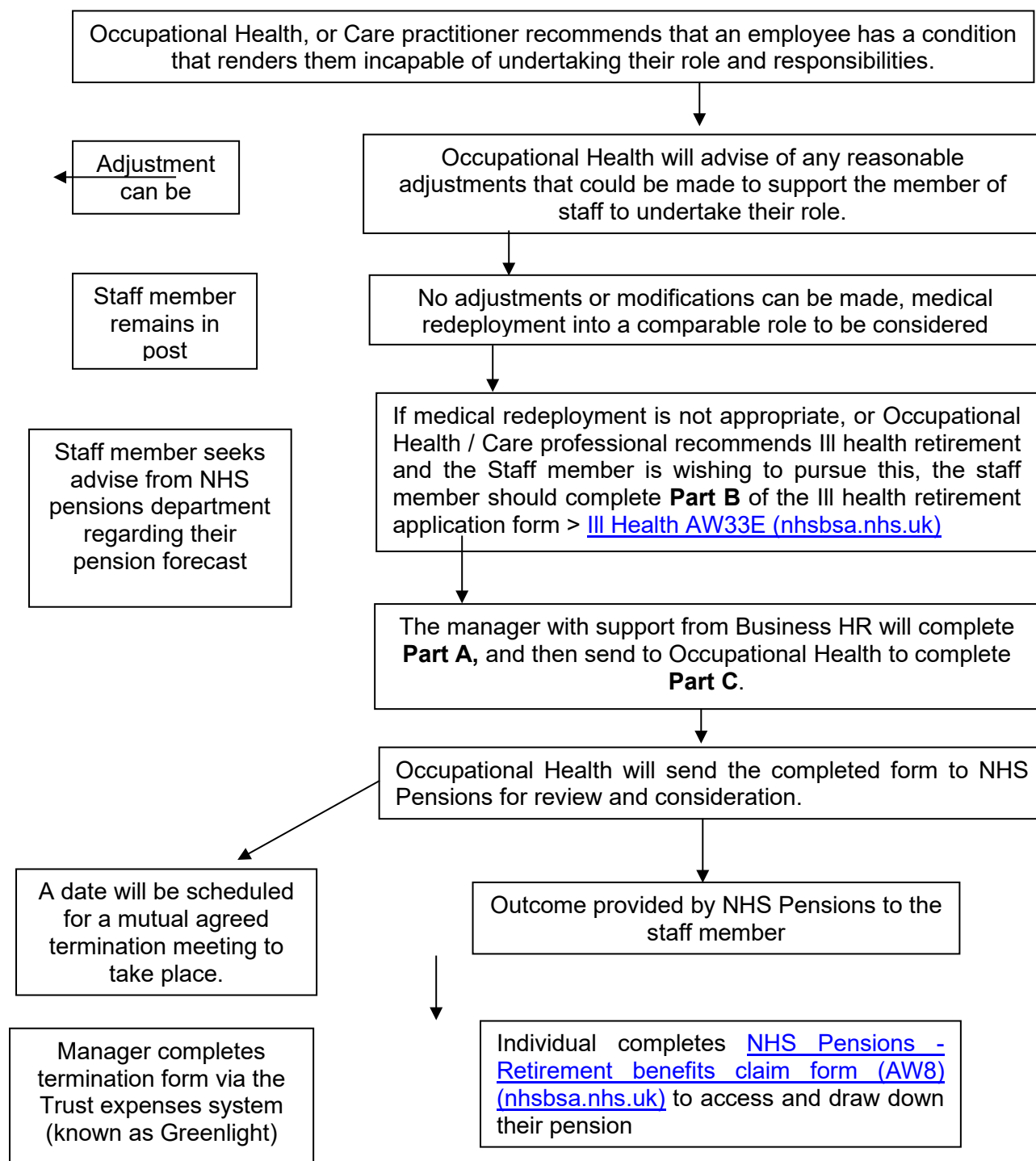
The Trust will endeavour to make reasonable adjustments to accommodate any employee with particular equality and diversity requirements in implementing this policy and procedure. This may include accessibility of meeting venues, providing translation, arranging an interpreter to attend meetings, extending policy timeframes to enable translation to be undertaken, or assistance with formulating any written statements

7. Legal Requirements

This document meets legal and statutory requirements of the UK's Data Protection Act 2018 and all subsequent and prevailing legislation. It is consistent with the requirements of the NHS Executive set out in Information Security Management: NHS Code of Practice (2007) and builds upon the general requirements published by NHS Digital/Connecting for Health (CfH).

8. Appendices

Appendix 1: Ill health retirement process flowchart



Appendix 2: Equality Impact Assessment



Appendix 2: Roles and responsibilities

Role	Responsibility
Chief People Officer	<ul style="list-style-type: none"> The Chief People Officer is responsible for ensuring that this Policy is fully implemented and that there is a continuing commitment to the training of managers in the implementation of policies.
Line Manager	<ul style="list-style-type: none"> Considering any request made under this policy and consulting with their Head of Service and Business HR representative to agree any decision arrived at. Ensuring that staff are aware of and understand the policy. Ensuring that staff are updated with regard to any changes to this policy. Fully participating in pre-retirement planning with the member of staff ensuring that the processes contained in this policy are adhered to. Ensuring regular conversations take place with all employees about their future aims and aspirations. Ensuring consistent application of the policy within their area of responsibility. Complying with the appropriate documentation requirements, including leaver documentation, in a timely fashion. Ensuring retirement awards are arranged where appropriate.
All Employees	<ul style="list-style-type: none"> Fully engaging with the policy and with their line manager in discussing pre-retirement plan/options. Ensuring the financial/pension implications of a particular course of action are fully investigated prior to making a final retirement or flexible retirement arrangement. Ensuring written notification of a retirement date is sent to the line manager at least 4 months before the actual retirement date.
Business Human Resources	<ul style="list-style-type: none"> To provide support and advice to staff on any aspect of their employment, terms and conditions of service. To promote the policy and give general guidance and support to managers. To promote consistent policy application across the Trust in order to achieve a balance between organisational requirements and individual needs. To monitor and review the implementation and operation of the policy. Timely administration of payment of final salary and, where applicable, pension administration. Administering the process of advising on the entitlement of a retirement award to an individual.

Appendix 3: Flexible Retirement Request Form

Flexible Retirement Request Form

NAME:

BAND/ GRADE:

JOB TITLE:

LOCATION:

MANAGERS NAME:

Date of Retirement:

Last day of employment:

I would like to apply to be able to retire and return to work under the Trust Retirement Policy. I appreciate that this is not an automatic right and is subject to the business needs and approval of the Trust.

If my request is agreed, following a minimum 24 hour unpaid break I would like to return to work on:

I would like to work: hours per week

I would like you to take into account the following when considering this request:

I believe that these hours can be accommodated within the team as follows:

I believe that this would be good for the organisation for the following reasons:

I am aware of the implications this request will have on my terms and conditions of employment and understand my responsibilities and requirements contained within the Trust Retirement policy. I have accessed by most recent Total Reward statement and understand that I should seek independent financial advice about my pension.

I would like my pension to be paid from the day after I leave and understand that I have to complete an AW8 Retirement Benefits Form which can be requested from the SBS Pensions Team.

I understand that if my date of retirement is within four months of this notification my pension will be delayed.

SIGNED:

PRINT NAME:

DATE:

PART 2 - to be completed by Line Manager

DATE RECEIVED BY MANAGER:

Points to be considered by the manager when deciding if this request can be accommodated:

1: Are there any organisational changes or cost improvement measures planned for the team which will impact on this role?

2: How will agreeing to this request provide value for money?

3: How will enabling this employee to return to work impact on succession planning for the team/ service?

4: Will the hours requested meet service needs, within current budget?

5: If the employee is returning on reduced hours, what is your plan for the remaining hours (e.g. Will the work be reorganised amongst other staff or will those hours need to be recruited into or will they be a cost saving?)

6: Is this role a hard to fill post?

7: Are there any issues with this employee's work competency or attendance?

8: Will the decision to allow this employee to return to work be in the best interest of the service in the short term?

9: Will this decision impact on the longer term workforce plans for the team/service?

Managers Declaration *(delete as appropriate):*

A: I have considered the employees request to retire and return to work, and consider that it should be agreed for the following reasons:

The employee will be returning to work on following a minimum 14 day break, and will work hours per week.

B: I have considered the employees request to retire and return to work and consider that it should not be agreed on the follow grounds:

Signed:

Dated:

PLEASE FORWARD THIS FORM TO THE WORKFORCE TEAM. THE EMPLOYEE SHOULD BE NOTIFIED OF THE OUTCOME OF YOUR DECISION.



Appendix 4: Confirmation Letter

Private & Confidential

Name

Department

Address

Date

Dear ...

Re: Application for Flexible Retirement

Following your recent application for flexible retirement in line with the Trust's Retirement Policy, I am pleased to inform you that your application has been approved via the Trust Hospital Leadership Resource process.

The details of your retirement application are that you wish to (*step down/draw down/retire and return/return to a fixed term contract).

Delete as applicable:**Step Down**

You have requested to reduce the pressure and responsibilities of your current role and 'step down' to a less demanding post with a lower pay. I can confirm your request has been supported and a *contractual change form/ring fenced recruitment will be completed. Your new post will be xxx.

***Wind Down**

You have requested to reduce your hours to xxx. Your request has been approved and a contractual change form has been submitted. You will commence your new hours on xx.

***Draw Down**

You have requested to reduce your hours/change your banding to accommodate a reduction in your pensionable pay by at least 10% to enable you to draw down 20 – 100% of your pension earned to date. *I can confirm that your request has been supported and a contractual change form has been completed. Your new hours are xxx and will commence on xxx/

*I can confirm that your request has been supported and a contractual change / ring fenced recruitment will be completed. Your new post will be xxxx.

***Retire and Return**

You have requested to retire and return which is subject to a break in service of 24 hours. I can confirm that your request has been supported and your 24-hour break will commence from **date** and you will be re-engaged with effect from **date**.

*You have requested to return to a fixed term contract which will end on xxxx.

You will return to the Trust in a permanent contract working xxx hour per week as a band xxx.

*** Your request has been declined**

It is with regret that I am unable to support your request for flexible retirement in line with the Retirement Policy. The grounds for this decision are as follows:

- Difficulty finding replacement staff
- Assisting in organisational change plans
- Training of staff or specific project requiring the employees specialised skill or knowledge
- Where casual staff are regularly required

If you wish to appeal against this decision, please do so in writing to Deputy Chief People Officer within 14 days of the date of this correspondence.

Further advice and general guidance on any pension related matters is available via the Pensions Web Site at <https://www.nhsbsa.nhs.uk/nhs-pensions> and for more individual details by personal enquiry through their helpline – 0300 3301 346. Please don't hesitate to contact me if you require any further information.

Yours sincerely,

Manager

***Delete as applicable**

Appendix 5: Temporary Partial Retirement Calculator

Please see the following link for the temporary partial retirement calculator to assist with calculating your 'draw down' options.

<https://staffhub.liverpoolft.nhs.uk/working-with-us/policies.htm?postid=185029>