

<b>Name of Policy:</b> Approaching Retirement	<b>Version/Last Review Date:</b> March 2016
<b>Statutory documents linked to policy:</b>	<b>Previous review date:</b> April 2013
<b>Other Policies linked to this policy:</b> Equal opportunities Flexible retirement	<b>Next Review Date:</b> March 2020
<b>Governor Committee Responsible</b>	People & Resource Management

WNA Vision: All children will achieve their full potential, with holistic support, whilst enjoying and driving their own learning, gaining self-respect, self-esteem and self-belief. Our classroom extends to rich, exciting environments within the forest, the beach, the city and the community as a whole.

### **Aim**

- To provide information about the procedure for retirement for employees in schools
- To establish a fair procedure for requests to work beyond age 65, and set out the factors to be weighed when evaluating such a request. This is also known as the "Duty to consider procedure"
- To provide a framework for meeting the school's needs, retaining valuable skills and experiences, as well as supporting the creation of a flexible workforce
- To ensure that the school meets the statutory requirements of the Employment Equality (Age) Legislation

### **Scope:**

This information applies to all employees directly employed in schools. This information applies to employees on permanent, temporary and fixed term contracts. The term 'employee' includes the Headteacher. When the procedure is being applied to the Headteacher the Chair of Governors will instigate the necessary action and correspondence.

### **The Duty to Consider Procedure:**

The Government has set a Normal Retirement Age for all employees which currently is 65.

### **Identifying employees approaching retirement:**

- The headteacher will write to any identified employee (see 'Approaching Retirement' letter), setting out their anticipated retirement date (based on their NRA or ERD), and the employee's right to request to work beyond aged 65. For teachers this will normally be the end of the term in which they reach their 65<sup>th</sup> birthday. This letter will be sent to employees approximately 9 months before their anticipated retirement date, and will include a simple "tick box" return Pre Retirement form for ease of response.

- If for any reason the school fails to notify an employee of their retirement date, an employee may request that the school extend their service. This request must be made in writing to the headteacher or chair of governors and specify the following:
- That it is a request made under Schedule 6 paragraph 2 of The Employment Equality (Age Regulations) 2006
- The date the employee believes the school will retire him/her
- Set out whether the employee is requesting that the employment is extended indefinitely, for a stated period or until a stated date

This request cannot be submitted until the employee is within 6 months of their anticipated retirement date

### **Employee Actions and Timescales:**

- On receipt of the letter, employees may wish to contact their Pension provider/s to get a statement of benefits. Employees may also wish to discuss with their Pension provider the impact of their working beyond age 65. For members of the teaching scheme, this will involve contacting the Teachers Pension Scheme in Darlington. Members of the LGPS should contact the Pensions Unit at County Hall
- Whilst employees can wait until 3 months before their NRA to notify their headteacher/chair of governors of their choice, in practice, it is desirable for all parties if the employee can notify the school earlier than this time. This will enable the headteacher to make plans in keeping with the termly structure of schools
- Employees should notify their headteacher or chair of governors that they either:
  - (a) want to retire at their Normal Retirement Age/Extended retirement date, or
  - (b) want to request to work beyond age 65

They should complete side one of the Pre Retirement form and ensure that it is returned no earlier than 6 months and no later than 3 months before their anticipated retirement date

The return of this form will be considered as the employee exercising their right to request an extension to service

If the employee wants to retire at age 65, they should complete the form and pass it to the headteacher, who will keep it on the employee's file. WNA will then process the retirement paperwork in the same way as for other leavers.

### Employees Wishing to Extend their Employment:

- Should complete and return the form expressing their request to work beyond age 65. They will be required to specify from three options on what basis they are requesting their employment to be extended. This form should be returned to the headteacher or chair of governors within the timeframe outlined
- Once the request is received a meeting must be arranged between the employee and the headteacher or chair of governors. This should be done without undue delay, and in any event, **within 10 working days** of the request being made. This should be done irrespective of the type of employment contract that an employee has
- The employee has the right to be accompanied to this meeting by a Trade Union representative or colleague of their choice
- The employee cannot retire from WNA until the meeting has taken place, and they have been informed of the outcome, because this dismissal will be considered to be potentially unfair and for a reason other than retirement
- If the employees chosen companion is unable to attend the meeting on the date proposed then an alternative meeting date must be **arranged within seven days**, starting on the day after the initial meeting was proposed and be at a time that is convenient to all parties

- If it is not reasonably practicable to hold the meeting within this timescale, the meeting can be held in the absence of the employee providing, the employee has been given the opportunity to make representations to the manager

### **During the meeting:**

The employee should discuss the details of their request, including whether it is to work full or part time, and on what basis they are requesting to have their employment extended. Please note that there is no statutory right under this procedure to request an amendment to contractual terms

The employee and the Headteacher/Chair of Governors should consider whether there are any enhanced Health and Safety considerations. It may be appropriate to conduct a risk assessment, and guidance can be sought from Health and Safety in this regard

The headteacher/chair of governors should consider the request fully before reaching a decision

### **There are four possible outcomes:**

#### **i) The headteacher/chair of governors agrees to the extension of service**

The headteacher/chair of governors should notify the employee verbally, and confirm any details, such as hours of work, and number of year's extension which has been agreed. The number of years (or part years) agreed will in turn establish a new "Extended retirement date"

The headteacher/chair of governors must confirm the details of the extension in writing to the employee within **5 working days**

#### **ii) The headteacher/chair of governors agrees to the extension of service on a different basis to the one requested by the employee**

The headteacher/chair of Governors must confirm the details of the extension in writing to the employee within **5 working days**. The letter should confirm the employees' retirement date and set out the procedure for an appeal

iii) **The headteacher/chair of governors refuses the request for an extension of service.**

The headteacher/chair of Governors should confirm this decision to the employee in writing, **within 5 working days**. The 'Refusing Extension' letter should confirm the employee's retirement date and set out the procedure for an appeal

iv) **The school and the employee agree a short term extension to service (less than 6 months) from the normal retirement age.**

The headteacher/chair of Governors should confirm this in writing, using the letter agreeing extension for less than 6 months, **within 5 working days** of the meeting taking place

Employee retires as at new extended retirement date

### **The Appeal Process:**

- If an employee wishes to appeal the outcome, they should do so by putting their request in writing to the headteacher or their chair of governors. This letter should be received **within 10 working days** of the employee receiving written confirmation of the outcome of the meeting
- The employee may be accompanied to the Appeal meeting by a colleague or Trade Union representative
- The Appeal should be arranged **within 10 working days** of the employee's request being received, and should be heard as quickly as possible. If the employee retires before the appeal meeting can be arranged, then the appeal can be heard after the employment has ended
- If the employees chosen companion is unable to attend the meeting on the date proposed then an alternative convenient meeting date must be arranged **within seven days, starting on the day after the initial meeting** and at a time that is convenient to all parties
- If it is not reasonably practicable to hold the meeting within this timescale, the meeting can be held in the absence of the employee providing, the employee has been given the opportunity to make representations to the Governors Appeals Committee

- The outcome of the Appeal must be given to the employee in writing, to be received, **within 5 working days** of the meeting
- This is the final stage in the procedure

### **Employees who wish to retire before age 65:**

If employees choose to retire early, this will be treated as a resignation, and they must give appropriate periods of notice. Members of the Teachers' Pension Scheme (TPS) can retire with actuarial reduction from 55, and without reduction from 60; whilst members of the Local Government Pension Scheme (LGPS) can retire from 60, although in some cases this may attract actuarial reduction

Advice on the pensions implications of such an action, plus personalised statements of benefit, should be sought from an employee's own pension providers

### **Employees who wish to retire before their extended retirement date:**

If an employee decides that they wish to retire earlier than their extended retirement date, this will be treated as a resignation and the employee must give appropriate periods of notice.



### APPROACHING RETIREMENT LETTER

**Private and confidential**

Name

Job title

Address

Dear

As you may be aware, the Government has set a Normal Retirement Age for all employees at age 65. The school records indicate that you are due to turn 65, or an extended retirement date applies on <<DATE>>. Therefore, your anticipated retirement date is <<DAY, DATE, MONTH>> when your employment is due to end on the grounds of retirement.

If you do not intend to request an extension to service I would be most grateful if you would notify me by completing and returning the attached form to confirm your intentions.

Under new Age Discrimination Regulations, all employees have the right to request to continue to work beyond their Normal Retirement Age. There is no formal right to work beyond age 65, or to request a change to your terms and conditions of employment. However, the school will consider the request fully, taking into account all factors. If the school agrees to your working beyond 65, we will confirm it in writing. If we are not able to agree to your request, you will be offered the right of appeal.

In order to make a request, you will need to complete the attached form and return it to me. I will then arrange to meet with you to discuss your request. Please consider your request before the meeting, as we will need to discuss whether you want to work full or part time, and how long you wish to continue working.

You may be accompanied to this meeting, if you choose, by a Trade Union representative, or a work colleague of your choice.

In either case, please note that if you take no action your employment will end on the date specified above.

Although you must return your form no later than 3 months before your retirement date, I would ask you to please return the form as soon as you have made a decision, in order that we can plan accordingly.

### **Pension Implications:**

As part of your consideration of whether to apply to work beyond age 65, you may wish to contact your Pension provider to gain a statement of benefits from them, and to discuss the options for continuing to contribute to your pension scheme beyond age 65. I have included some numbers below.

Teachers' Pension Scheme

0845 606 6166

I have enclosed a copy of the procedure, entitled "Approaching Retirement Age". This should provide you with further information about the process.

Yours sincerely

Headteacher

PRE RETIREMENT FORM – Side One

### ***Employee to complete this side:***

Name:	
Job Title:	
Date of Birth:	
<b>Anticipated date of retirement:</b> (based on normal retirement age or extended retirement date)	

Please specify your intentions below, by ticking the appropriate box.

**I want to retire on my anticipated retirement date**

☐

Now please:

- Notify your Headteacher/Chair of Governors

**I wish to request an extension to my employment, this request is made under Schedule 6 paragraph 2 of the Employment Equality (Age) Regulations 2006**

*Please indicate your intentions below*

☐

- I request to: extend my employment indefinitely
- I request to: extend my employment for \_\_\_\_\_ months/years (please enter number and delete as appropriate)
- I request to: extend my employment until \_\_\_\_\_ (please enter date)

Now please:

- Complete form
- Pass form to your Headteacher/Chair of Governors
- Meet with your Headteacher/Chair of Governors

Signed \_\_\_\_\_ Date \_\_\_\_\_

If employee requests to extend service, please complete side two recording the outcome of the meeting.

Side Two – Headteacher to complete this side

Date of Meeting with Employee				
Outcome of the Meeting				
<b>EXTENSION REFUSED</b> – Complete this section				
<b>Reason for refusal:</b>				
Confirm the date the meeting was held with employee:				
Confirm that the employee was notified verbally of the outcome:				
Confirm the employees retirement date				
Confirm the date the employee was written to:				
<b>Please sign the form below and send this form with a copy of the letter to Pay and Employment Services and a termination notice form.</b>				
<b>EXTENSION AGREED</b> – Complete this section				
Extension agreed indefinitely:	YES		NO	
Extension agreed until (please specify date)				
Is this the same as the employee requested?	YES		NO	
If this is not the same as requested by the employee do you intend for the employee to retire on the new date? (Only applicable is the extension granted is less than 6 months after the NRA/ERA)	YES		NO	
Does the employee intend to retire on the new date? (Only applicable if the extension granted is less than 6 months after the NRA/ERA)	YES		NO	
Are there any changes to the Employees terms and conditions of employment? (if there are please detail below)	YES		NO	
Contracted Hours:				

Job Title:	
Grade and SCP:	
Any other changes (please detail):	

<b>Signed:</b>	<b>Date:</b>
<b>Name (please print):</b>	
<b>Job title:</b>	

### LETTER AGREEING EXTENSION OF SERVICE:

Dear,

#### **RE: Extension to Service beyond Normal Retirement Age**

Following the meeting held on (date) I am pleased to advise you that your request to work beyond your normal retirement date has been agreed.

This extension to service has been agreed until (date). This date will form your extended retirement date, at which point WNA will end your employment. Approximately 9 months before this date is reached you will be notified again under the duty to consider procedure of your extended retirement date and your right to request a further extension to your service.

All terms and conditions of employment will remain the same.

Yours sincerely,

Headteacher



### LETTER AGREEING EXTENSION NOT AS REQUESTED:

Dear,

#### RE: Extension to Service beyond Normal Retirement Age

Following the meeting held on (date) I write to advise you that your request to work beyond your normal retirement date has **not been agreed**, *on the following basis:*

Insert any changes to terms and conditions as necessary

And/Or

This extension to service has been agreed until (date). This date will form your extended retirement date, at which point your employment will be ended. Approximately 9 months before this date is reached you will be notified again under the duty to consider procedure of your extended retirement date and your right to request a further extension to your service.

All **other** terms and conditions of employment will remain the same.

You have the right of appeal against this decision. Should you wish to appeal against the decision you should write to me with 10 working days of receipt of this letter stating the grounds of your appeal.

Yours sincerely,

Headteacher

### LETTER REFUSING EXTENSION:

Dear,

#### **RE: Refusal of Extension to Service beyond Normal Retirement Age**

Following the meeting held on (date) I regret to advise you that your request to work beyond your normal retirement date has been declined.

This decision has been reached following careful consideration of all the information, and your request has been declined. (*Optional-for the following reason*)

Therefore your employment will end on (date of retirement) as previously confirmed to you in the letter dated (date duty to consider letter sent)

You have the right of appeal against this decision. Should you wish to appeal against the decision you should write to me, within 10 working days of receipt of this letter stating the grounds of your appeal.

Include appropriate salutation e.g. I am sure that this will come as a disappointment to you, but I thank you for all your hard work and the contribution you have made to the work of WNA for the xx number of years. I wish you every success for the future

Yours sincerely,

Headteacher



### LETTER AGREEING EXTENSION FOR LESS THAN 6 MONTHS:

Dear,

#### **RE: Extension to Service beyond Normal Retirement Age**

Following the meeting held on (date) I write to advise you that your request to work beyond your normal retirement date, has been agreed. (on the following basis)

This extension to service has been agreed until (date) This date will form your extended retirement date, as agreed with you, you will retire from the employment with West Newcastle Academy on this date. As this extension is for less than 6 months after your normal retirement date and you have agreed to retire, no further notification under this procedure will be given to you.

All terms and conditions of employment will remain the same.

(only include this if the employee did not agree to this date) You have the right of appeal against this decision. Should you wish to appeal against the decision you should write to me within 10 working days of receipt of this letter stating the grounds of your appeal.

Yours sincerely,

Headteacher

## Approaching Retirement Procedure (School)

Identify employees approaching their 65<sup>th</sup> Birthday OR their extended retirement date

### STEP ONE -

- The letter notifies the employee of their anticipated retirement date, & explains to the employee that they can request to work beyond this date. **The employee is asked to respond in writing.**

### STEP TWO -

The employee wishes to retire at their normal retirement age  
  
The employee notifies the Headteacher in writing.

**The employee wishes to work beyond age 65.**

The Headteacher holds a meeting with the employee to discuss their request.  
The employee can be represented at this meeting.  
  
The Headteacher considers the request, taking all factors into

### STEP 3 – CONFIRMATION

Outcome 1 - the school agrees to the extension of Service.  
  
The employee and the Head agree a new extended retirement date

**Outcome 2 - the school agrees for extension to service on a different basis to the one requested by the employee**

The employee is notified of the outcome in writing.  
  
The employee may appeal this decision. To do so, they must put their request in writing.

Outcome 3 - the school refuses the request for an extension of Service.  
  
The employee is notified in writing by the school, including reasons for the decision and right of appeal.  
  
To raise an appeal, the employee puts their request in writing to the Headteacher.

**Outcome 4 – the school and employee agree a short term extension to service (less than 6 months) from NRA**  
  
The employee is notified of the outcome in writing.