

This document is a combined version of:

Retirement Policy - W26

With

Flexible Retirement: Frequently Asked Questions (FAQ's) - W26.2

Retirement Policy

Doc ID: W26

(This policy has been consulted on with Staff Side, but they have declined to approve Section 10 – Retirement Presentations)

Additionally refer to:

Equality, Diversity and Inclusion Policy
NHS Pensions Policy
Flexible Working Policy
Employee Wellbeing and Attendance Management Policy

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1 Policy on a Page

The Trust values the commitment that employees have made to the Trust through long service. SATH recognises that employees no longer have to retire at a specific age and this policy reflects ACAS best practice guidance, following the removal of the Default Retirement age in October 2011.

The overall objective is to ensure that there is a hospital-wide approach to the management of retirement, which is communicated to all employees to better understand the options available to them.

The policy applies to all staff directly employed by the Trust who are paying into the NHS Pension Scheme. This policy does not apply to honorary contract holders or external agency workers.

The Trust is keen to retain valuable skills and encourages management and staff to take a flexible approach to manage their retirement. This applies to employees:

- who are preparing to retire at the normal retirement age,
- those who may wish to consider extending their retirement date,
- those wishing to take early retirement, or
- those who may wish to consider taking advantage of the flexible retirement scheme.

Further details on Flexible Retirement Options are set out in section 6, these include:-

- Wind down
- Step down
- Retire and return
- Drawdown

Section 7 sets out the Retirement Options available as guided by the NHS Pension scheme and individual membership.

Managers, Staff side colleagues and the HR Advisory Team can also signpost employees to seek advice from a trained pensions specialist before making any decisions regarding their retirement.

The Terms applicable to the Trust Retirement Policy are predominately determined by the NHS Pension Scheme.

This Policy reflects legislative changes included in the Equality Act 2010.

A flowchart setting out the retirement process is shown in Appendix C.

2 Policy Statement

- 2.1 The Trust values the loyalty and commitment given to the NHS by its employees and believes that support should be available for all employees retiring from the service to enable them to plan for this transition.
- 2.2 This policy provides a framework within which flexible retirement can be considered and achieved. The policy sets out a range of options available to all employees when looking to retire. It provides guidance for both managers and employees and aims to support the Trust in meeting service needs, to promote a better work-life balance, to support staff to manage caring responsibilities and their health and wellbeing. It also ensures the Trust is compliant with employment legislation, helps succession planning – retaining skills and experience for longer, reduces recruitment and training costs and helps maintain continuity of high-level care.
- 2.3 In considering flexible retirement, employees should seek advice from the Trust's pension provider, their trade union representative or an independent financial adviser regarding their own personal circumstances.
- 2.4 A flowchart setting out the retirement process is shown in Appendix C and an overview of the process for organising retirement gifts and presentations can be found in appendix A.

3 Scope

- 3.1 This policy applies to all employees directly employed by the Trust, whether full-time or part-time, permanent, or temporary and including internal bank staff employed via the Temporary Staffing Department who are paying into the NHS Pension Scheme.
- 3.2 The policy does not apply to individuals employed by agencies or other contractors and honorary contract holders. Issues relating to retirement and pension arrangements for these individuals should be referred to the appropriate employer.
- 3.3 In implementing this policy, managers must ensure that all employees are treated fairly and within the provisions and spirit of the Trust's Equality, Diversity and Inclusion Policy. Special attention should be paid to ensuring the policy is understood when using it for employees new to the NHS or Trust.

4 Responsibilities

4.1 Trust Board

- 4.1.1 The Trust Board has a strategic responsibility to ensure that the policy is communicated to all employees and is effectively implemented.

4.2 Director of People and OD and the Workforce Directorate

- 4.2.1 The Director of People and OD has overall responsibility for this policy for monitoring compliance and effectiveness.
- 4.2.2 The Human Resources function is responsible for:
- Providing support and guidance to employees and managers on the implementation and application of this policy
 - Monitoring the application of this policy and updating it as required.

4.3 Trust Managers

- 4.3.1 All Trust Managers are responsible for the equitable implementation of this policy and for ensuring that all employees understand the options available to them and are aware of their responsibilities. Support and guidance may be sought from Human Resources or the Pensions Team as appropriate.
- 4.3.2 Managers have a responsibility to ensure that they are familiar with this policy and for explaining the policy to their staff.
- 4.3.3 Managers are responsible for processing all retirement requests in a timely manner. This may include completing the notification of termination and ensuring that ESR is updated accordingly. The line manager should send a letter to the employee confirming any agreed flexible retirement options and a copy placed on the employee's personal file.
- 4.3.4 If the employee is retiring and returning to work in the Trust the line manager must complete the relevant documentation that will include the Retire and Return Termination and Post information form available on the intranet and submit direct to recruitment, allowing for a minimum of a 24 hour gap in employment before re-starting work.
- 4.3.5 Managers are also responsible for bringing any mutually beneficial improvements to this policy to the attention of the Trust.

4.4 Employees

- 4.4.1 All employees will observe the principles of the policy and where appropriate follow the stated application processes.
- 4.4.2 Employees are advised to familiarise themselves with the membership benefits of the NHS Pension Scheme so they can make informed decisions about their retirement options. Employees should inform their line manager that they intend to retire 4 months prior to their intended retirement date, irrespective of their contractual notice period, to allow for sufficient time as necessary to complete the process.
- 4.4.3 Employees must also make any requests for flexible retirement options within the same time frame (4 months prior to undertaking those options).
- 4.4.4 Employees must accurately complete the relevant application. Once all documentation has been submitted to the Trust's payroll provider and then forwarded to the NHS Pension Agency, it is the employee's responsibility to follow up any queries with the Pension Agency directly.

4.5 Trade Union Representatives

- 4.5.1 Trade Union representatives are responsible for supporting the fair and equitable application of this policy and providing support to their members when requested.

5 Retirement Age

- 5.1 In line with the Equality Act 2010, the Trust does not operate a compulsory retirement age for its employees. There is no set retirement age within the Trust although the age at which pension members can draw their pension will vary depending on the scheme they are a member of. It is up to individual employees to decide when they wish to retire, however in making this decision employees must be aware of the impact this may have on their pension entitlements.

- 5.2 Before making any decision about retirement or flexible retirement, employees are advised to contact the Trust's pension provider so that employees can make informed decisions based on their individual circumstances or seek independent financial advice.
- 5.3 Details of any pre-retirement or financial planning courses/seminars will be publicised throughout the Trust to assist those nearing retirement with their future plans.
- 5.4 An Annual Benefit Statement is available through Total Reward Statements (TRS) and provides employees with information regarding their Pension Lump Sum, Survivor Pension, Membership history, Pension Scheme Contributions and Death Benefit Nominations. Employees should access this service before contacting the Pensions office. TRS is updated annually in August. The Total Reward Statements is available through Employee Self Service on ESR.

6.0 Flexible Retirement Options

6.1. General Principles

- 6.1.1 Employees who retire and return will retain entitlements that are related to and dependent on 'reckonable' service such as annual leave and occupational sick pay, as outlined in the Agenda for Change Handbook. However, entitlements that are subject to continuous service, such as redundancy, will be dependent on the member of staff accruing the relevant length of service in their new contract after retirement as any previous service accrued prior to the date of retirement will no longer be considered 'continuous'. A new contract of employment will be issued when the individual re-joins in the same or a different post after retiring which will include the new start date of their service and terms and conditions of employment on appointment following retirement.
- 6.1.2 Employees who are in receipt of any earnings-related protection will lose that protection on their return to work following the break in service.
- 6.1.3 Unless there are legitimate reasons for doing so returning to a contracted post at the same or lower band should be on a permanent basis and not on a fixed term contract. Non-renewal of a fixed term contract is considered a dismissal and there is a risk to the organisation if not managed appropriately, therefore advice should be sought from the HR Advisory Team.
- 6.1.4 If a post is not readily available there is no obligation on the Trust to create a role. Vacant posts should be advertised as normal under the Trust's Recruitment and Selection Policy and there is no right to return to the same post or step down into a lower banded post, this is to ensure people on the Redeployment Register have the opportunity to be considered for vacant posts to safeguard their employment.

6.2 The Trust provides a number of flexible retirement options:

- To **wind down** into **reduced hours** in existing post (available to both NHS Pension Members and Non-Pensionable members of staff), see Appendix E.
- To **step down** into a less demanding and **lower banded/paid role** in a way that preserves NHS Pension Scheme entitlement already built up. This supports the organisation to retain the individual's skills and experience while supporting the staff member to approach retirement. (available to both NHS Pension Members and Non-Pensionable members of staff), see Appendix E.
- To **retire and return**: to leave employment start receiving an NHS Pension and return to part time/full time/occasional work. This could include working during a specified period (e.g. winter or during annual leave periods) or being available for temporary assignments to help

cover staff shortages. There must be a break of 24 hours before returning from retirement to work in the Trust.

- There is also the opportunity for Partial Retirement also known as **draw down** where with the agreement of your employer, active members are able to draw down between 20% and 100% of their accrued pension benefits whilst continuing in NHS employment without having to leave your job. This means that staff can continue working while benefiting from being able to draw down their pension benefits and supplement their income. A request for Flexible Retirement Application will need to be granted as pensionable earnings will need to reduce by 10%. This means that a new working agreement will need to be agreed with your manager to reduce your pensionable pay before you apply.
- For partial retirement if you reduce your hours/sessions from whole time to part time, then any extra work done will be pensionable up to whole time hours. Therefore any additional hours or hours worked while on call (call out hours) will be a pensionable payment up to whole time hours. This will mean that your pensionable pay has not reduced by 10% and your pension may be suspended until your pensionable pay reduces.
- For members of the 2015 Scheme there is the option of **Early Retirement Reduction Buy Out (ERRBO)** where you can pay extra contributions to retire early 1,2 or 3 years before your Normal Pension Age (NPA) which is the same as State Pension Age (SPA) but not before age 65.
- For members of the 2008 and 2015 NHS Pension Scheme, there is a **Late retirement enhancement**. This is where a member chooses to retire later than their normal pension age (NPA), their pension benefits will be increased by the application of late retirement factors.

7 Retirement Options: NHS Pension Scheme

7.1 This section is intended to give brief details about the NHS pension scheme.

7.2 This Section applies to those employees who belong to the NHS Pension Scheme and are subject to the rules of the Scheme. It is a summarised version and employees are advised to read the terms in full as this summary does not take precedence over the actual terms of the scheme. The information it contains is taken from the NHS Pension Scheme Regulations which govern the schemes. It is not a comprehensive guide to the Scheme and staff are therefore recommended to seek further guidance on their individual circumstances from the Pensions Team or to look at the precise terms set out on the website at www.nhsbsa.nhs.uk/pensions

It is important that employees understand which of the two NHS Pension Schemes they are a member of. There is the 1995/2008 and the 2015 Schemes, if in doubt there is a scheme identifier on the NHS Pensions website or contact the Pensions Team who will be able to advise. Some employees may be members of more than one pension scheme.

7.3 McCloud Remedy

7.3.1 The McCloud remedy will remove the age discrimination that was judged to have arisen in the NHS Pension scheme. The discrimination resulted in allowing older members to remain in their legacy (1995 or 2008) scheme rather than being moved to the 2015 Scheme when it was introduced.

7.3.2 The remedy is made up of two parts:

- To ensure equal treatment going forward, all active members of the NHS Pension Scheme will be in the 2015 Scheme from 1 April 2022.
- To address the inequality that has already occurred, affected staff will be offered a choice to receive either 1995/2008 scheme benefits or 2015 scheme benefits for the period they were affected (remedy period). If you joined the pension scheme after 31st March 2012 you are not affected.

7.3.3 The process for making this choice will be made at retirement. For members who have already retired will be written to and asked to make your choice retrospectively. More information about the McCloud remedy can be accessed on the NHS Pensions Webpages. (see references in section 15.2).

7.3.4 The 1995 and 2008 Sections of the NHS Pension Scheme both closed on the 31 March 2022. All staff that were contributing to these schemes were automatically moved to the 2015 Scheme on 1 April 2022.

7.4 1995 NHS Pension Scheme (Amended 2008) (The 1995 Scheme closed to New members from 1st April 2008)

7.4.1 From 1 April 2022, all active members regardless of age will be members of the 2015 NHS Pensions scheme. This change means that active members of the 1995/2008 Scheme will automatically move to the 2015 Scheme and start building up benefits in this Scheme. Both the 1995 and 2008 Sections of the 1995/2008 Scheme will close on 31 March 2022 - but you will not lose any of the pension benefits you've already built up in this Scheme. They'll make up part of your benefits when you retire, and the rest will be made up of any you earn in the 2015 Scheme from 1 April onwards. This means that when you claim your pension, it could consist of up to three different parts of the NHS Pension Scheme. As such you will now have deferred membership of the 1995 NHS Pension Scheme, and the following rules will apply:

- Employees of the 1995 scheme will have a normal retirement age of 60 and pension benefits are based on the best pensionable pay in the last three years prior to retirement and the length of service up to the day you went over to the 2015 Scheme.
- In addition, female nurses, midwives and physiotherapists who were members of the scheme prior to 6th March 1995, and have not had a break of service of more than 5 years are entitled to retire with full benefits from age 55 under 'Special Class's rules, provided the last 5 years' membership has been in one of these jobs.
- Male nurses, male midwives and male physiotherapists who were members of the NHS pension scheme prior to 6th March 1995 may receive early benefits for membership from 17th March 1990. Full benefits for membership prior to this will not be paid until age 60, however, reduced benefits, as for voluntary early retirement, may be claimed as an option.
- Members may take **voluntary early retirement** and receive pension benefits from age 50, subject to approval from the NHS Pensions Agency. Members who joined the 1995 section for the 1st time on or after 06/04/2006 cannot take Voluntary Early Retirement before age 55. Benefits will be worked out in the normal way but will be reduced on a sliding scale dependent upon age (this is called the "actuarial reduction"). If employees wish to retire early under the terms of the NHS Pension Scheme (i.e. before age 60 for most employees or before age 55 for the special classes detailed above) then individuals should contact the Pensions Team for further information before giving formal notice. In such cases the individual:-

- will have to leave **all** their NHS jobs and
 - must have sufficient Pension Scheme membership to qualify for a reduced pension equivalent to the statutory Guaranteed Minimum Pension.
- The Pensions Team can provide an estimate of the pension benefits due, which will be reduced in accordance with the terms of the NHS Pension Scheme. Further details may be obtained from the Pensions Team or from the NHS Pensions website at www.nhsbsa.nhs.uk/pensions.
 - Members may apply to '**Step Down**' to a less demanding post and make a request to voluntarily protect their higher pay. The member must be over the minimum pension age and be accepting a reduction in pensionable pay of at least 10% (this does not include going from whole time to part time). The reduction in pay must be as a result of the member taking up a post that is less demanding and with less responsibilities and must be supported by their Manager as an active 'Step Down' to retirement. In addition, the reduction of pay in the new post must be for a minimum of 12 months and the request to protect the higher pensionable pay must be made within 15 months of their pay reducing.
 - If a member's pay is reduced through no fault of their own, the member can apply for the higher rate of pay to be protected for pension purposes. This must be done within three months of the pay reducing and **does not have to be reduced more than 10% nor does the member need to be over the minimum retirement age.**

As the reduction is through no fault of the member, for pension purposes a protection of pay can be applied for, more than once.

- There is the provision for partial retirement, or '**draw down**'. On reaching age 55 (50 if you have protected minimum pension age) and with the agreement of the employer, members become eligible to take some of their pension if they reduce their pay by switching to a lower paid job or reducing their hours of work. A break in employment is not required to take advantage of this provision to 'draw down' some of their pension.

To be eligible for draw down members must:

- be age 55 (50 of protected minimum pension age) or older;
 - be reducing actual pensionable pay by at least 10%
 - have had the previous level of pensionable pay for at least 12 months;
 - expect the new level of pensionable pay to last at least 12 months;
 - not have already drawn down twice.
 - Approval required by Manager to reduce level of responsibility, work fewer hours or move to a new role.
- Subject to overall limits, members can draw down a minimum of 20% and up to a maximum of 100% of their pension entitlement earned to date, whilst continuing to build up further membership. You will need to agree the new working arrangement before you apply, speak to your Manager and seek advice from HR.
 - For Retire and Return only members of staff must take a break of 24 hours before the member of staff returns to work, you can then work as many hours as required straight away. If eligible you will be auto enrolled into the 2015 scheme and start to build up 2015 Scheme benefits immediately. Please note that the date of retirement will be extended for any outstanding annual leave paid in lieu of termination of employment and this must be taken into account before a commencement date is agreed for the new post.

7.5 2008 NHS Pension Scheme

7.5.1 From 1 April 2022, all active members regardless of age will be members of the 2015 NHS Pension Scheme. This change means that active members of the 1995/2008 Scheme will automatically move to the 2015 Scheme and start building up benefits in this Scheme. Both the 1995 and 2008 Sections of the 1995/2008 Scheme will close on 31 March 2022 - but you will not lose any of the pension benefits you've already built up in this Scheme. They'll make up part of your benefits when you retire, and the rest will be made up of any you earn in the 2015 Scheme from 1 April onwards. This means that when you claim your pension, it could consist of up to three different parts of the NHS Pension Scheme

Members may take **voluntary early retirement** and receive pension benefits from age 55, subject to approval from the NHS Pensions Agency. Benefits will be worked out in the normal way but will be reduced on a sliding scale dependent upon age (this is called the "actuarial reduction")

As such you will now be deferred member of the 2008 NHS Pension Scheme, and the following rules will apply:

- Special class status (the opportunity to retire at age 55 with no loss of benefits) is not available to 2008 Scheme members, even for those exercising the choice option, and the **voluntary early retirement age increases to 55**, after which benefits will be reduced on a sliding scale depending upon age at the chosen date of retirement.
- There is the provision for partial retirement, or '**draw down**'. On reaching age 55 members become eligible to take some of their pension if they reduce their pay by switching to a lower paid job or reducing their hours of work. A break in employment is not required to take advantage of this provision to 'draw down' some of their pension.

To be eligible for draw down members must:

- be age 55 or older;
 - be reducing actual pensionable pay by at least 10%
 - have had the previous level of pensionable pay for at least 12 months;
 - expect the new level of pensionable pay to last at least 12 months;
 - not have already drawn down twice.
- Subject to overall limits, members can draw down a minimum of 20% and up to a maximum of 100% of their pension entitlement earned to date, whilst continuing to build up further membership.
 - Members who retire and claim benefits from the 2008 Section and return to work, if eligible will be auto enrolled into the 2015 section after a 24 hour break if aged under 75.
 - Members with preserved benefits in the 1995 scheme payable at age 60 and also have benefits in the 2008 scheme may claim their 1995 scheme preserved benefits with no requirement to take a break in service or to retire. In addition there will be no abatement of pension benefits.

7.6 2015 CARE NHS Pension Scheme

- 7.6.1 Employees who:
- Joined the NHS Pension Scheme on or after 1st April 2015 or
 - have exercised the choice to forgo protection, or
 - have re-joined after a 5-year break

- Will be a member of the 2015 CARE NHS Pension Scheme and their normal retirement age will be the same as their State Pension Age (or age 65 if later). From 1 April 2022, all active members under age 75 will be members of the 2015 NHS Pension Scheme if eligible.
- Members may take **voluntary early retirement** and receive pension benefits from age 55, subject to approval from the NHS Pensions Agency. Benefits will be worked out in the normal way but will be reduced on a sliding scale dependent upon age (this is called the “actuarial reduction”)

7.6.2 Members who transferred to the New 2015 scheme automatically because they did not qualify for either full or tapered protection will have benefits in multiple schemes. The benefits built up in the 1995 scheme or 2008 scheme before moving to the 2015 scheme can be taken unreduced at the normal retirement age for the scheme and will remain ‘salary linked’ provided the member does not leave the NHS for more than 5 years. However, members will have to retire to access these benefits. Members can build up further 2015 scheme benefits if they return to NHS employment (and build up a separate pension from that in payment) provided they are under age 75. Please note that a break of 24 hours must still be taken for members of 1995, 2008 and 2015 schemes for retire and return.

7.6.4 Special class status (the opportunity to retire at age 55 with no loss of benefits) is not available to 2015 Scheme members, and the **voluntary early retirement age increases to 55**, after which benefits will be reduced by approximately 5% for each year the benefits are taken before State Pension Age (or age 65 if later).

7.6.5 The provision to ‘**Draw Down**’ as in the 1995 and 2008 Pension Scheme is also available.

7.6.6 A Key feature of the 2015 scheme is the option of Early Retirement Reduction Buy Out (ERRBO) where scheme benefits are paid without reduction from your NPA (NPA is the same as your State Pension Age (SPA)). Members can pay extra contributions to buy out the reduction up to three years before your Normal Retirement Age (but not before age 65). More detailed information is available on NHS Pensions website.

7.7 NEST (National Employment Savings Trust)

7.7.1 With effect from 1st May 2013, under the Government’s Pension Reforms the Trust were required to Auto-Enrol staff who were non-eligible for membership in the NHS Pension Scheme into an alternative pension scheme provided they meet certain criteria. Non-eligible members who would be enrolled into NEST are:-

- Those in receipt of a Tier 2 III Health Pension
- Those employed by a General Dental Service or Personal Dental Services contractor
- Those holding an honorary appointment only
- Those who have a whole-time post with another Employer

7.7.2 Once members are Auto enrolled into NEST they will receive a letter explaining what NEST offers savers and also gives instructions should they wish to ‘opt out’ of the scheme. Both the employee and the employer contribute to NEST, but the member is able to ‘top up’ personally and take the pension with them should they leave the NHS. NEST retirement pot is available at any time from age 55. More information is available on the NEST website at www.nestpensions.org.uk.

8 Retirement Procedure

8.1 Members of the NHS Pension Schemes only (see Appendix C)

- 8.1.1 On request from the employee, the Pensions Team can provide an estimate of probable benefits receivable. Lump sums are normally due within NHS Pension Agency Statutory target of 30 days from the member's retirement date, and the first payment of pension is normally made in the month after the month of retirement provided papers are submitted at the appropriate time. Any queries regarding these payments should be addressed to the Pensions Team. All outstanding monies, including any accrued holiday pay will be paid shortly after the leaving date, usually the next pay day; Pay Services will notify the NHS Pensions Agency where these will affect the employee's NHS pension.
- 8.1.2 When a member of the NHS Pension Scheme is intending to retire in the near future, Managers should advise the employee to contact the Pensions Team in Pay Services **at least 4 months** prior to the proposed date of retirement.
- 8.1.3 Employees intending to retire must give written **contractual notice** in accordance with their contract of employment to their line manager.
- 8.1.4 For all retirements the NHS Pensions Agency require the completed application form to be received at the NHS Pensions Agency **at least 3 months** prior to the date of when pension payments will be received, which is why it is recommended that the relevant forms are requested from the Pensions Team at least 4 months prior to the proposed retirement date.
- 8.1.5 The Pensions Team will send the application forms to the individual. On completion (of member section part 7 onwards) these forms are to be returned to the Pensions Team along with original copies of the relevant certificates. If preferred, the certificates can be copied and verified by Line Managers by writing clearly on the copies; "I have seen the original document and this is a true copy of the original", signing and printing their name and position, together with the Trust address and the date. Alternatively, to prevent potential loss in the post, members may personally take certificates to Pensions for verification. The Retirement Detail confirmation form must be completed by the manager (and must be signed by both the member and the manager) and returned with the application form and any verified certificates. Without this form the Trust Pension team cannot process retirement paperwork
- 8.1.6 The Pensions Team will then complete the relevant section on the application form and process electronically to the Pensions Agency, where the individual's pension is calculated.
- 8.1.7 Upon receipt of the resignation letter, the manager will write to the employee acknowledging their wish to retire. The manager will also be responsible for completing the Retire and Return Termination and post information form, confirming any outstanding annual leave and allowing for a 24 hour break before returning to work. Forms must be sent directly to recruitment sath.recruitment@nhs.net.
- 8.1.8 Recruitment will contact the retire and returnee to arrange completion of the new starter form. Recruitment to send termination and new starter forms to ESR for processing, ensuring Visa and DBS information are updated and complete. ESR will process all the necessary paperwork for terminating the employee's employment and in conjunction with the Payroll Department, will terminate employment and arrange to make any outstanding payments.

8.2 Non-NHS Pension Scheme members (see Appendix C)

- 8.2.1 Employees intending to retire are asked to give written notice in accordance with their contract of employment to their line manager.

8.2.2 Upon receipt of the resignation letter, the manager will write to the employee acknowledging their wish to retire. The manager will also be responsible for notifying ESR of the date of termination via the Termination of Contract form and confirm any outstanding annual leave.

8.2.3 ESR will process all the necessary paperwork for terminating the employee's employment and, in conjunction with the Payroll Department, will terminate employment and arrange to make any outstanding payments.

9. Request to Wind down, Step Down, Draw Down- Flexible Retirement options

9.1 NHS Pension Scheme / Non-NHS Pension Scheme / NEST members who wish to access one of the flexible retirement options listed are advised to apply in accordance with the Trust's Flexible Retirement Process (refer to Appendix E).

9.2 Request to continue working after claiming NHS Pension

9.2.1 Employees wishing to continue working in the same job role after receiving their NHS pension need to complete a Flexible Retirement Application Form (Appendix E) and submit to their line Manager **no later than 4 months before the date of retirement**. For requests to return to a lower banded post, the individual will need to apply through the normal recruitment process.

9.2.2 The request should document any changes they wish to make to their future working arrangements after retirement. This may include things such as contracted hours, shift patterns, on call duties and work location.

9.2.3 The decision whether to agree to a Flexible Retirement Request will be made in accordance with the provisions documented in Appendix E, please refer to section 6 above.

9.2.4 For Consultants, the British Medical Association have some helpful guidance which should be taken into account (see reference section for link).

10 Retirement Presentations (This policy has been consulted on with Staff Side, but they have declined to approve this section)

10.1 It is customary and desirable that employees retiring after long service with the NHS will have their contribution recognised.

10.2 A retirement presentation should be offered to all employees leaving who are retiring from **all** NHS related employment. For employees band 1 - 4 retiring with 15+ years' service, managers may authorise a contribution of up to £100 towards the cost of a finger buffet with non-alcoholic drinks.

10.3 For employees with 15 + years' service a certificate signed by the Trust Chairman will either be presented to the employee or sent to them. Line managers need to complete Appendix A form to apply for a Retirement Certificate.

10.4 With the agreement of the employee, the line manager will be responsible for organising the retirement event or presentation, which should be of a style appropriate to the NHS, the length of NHS service and acceptable to the retiree. The line manager should involve colleagues of the retiree, in the organisation of the event, which should be held on Trust premises. The proposed arrangements should also be discussed with the relevant Executive Director .

- 10.5 Any agreed Trust contribution should be charged to Trust Funds and Managers are asked to liaise with their Finance lead. Where Trust Funds are insufficient then the costs may be charged to the employee's departmental budget. No other costs may be charged to the Trust.
- 10.6 All NHS service will count towards an employee's service record, whether continuous or not, but will exclude redundancy or other loss of office payment.

11 Training

- 11.1 Training required to fulfil this policy will be provided in accordance with the Trust's Training Needs Analysis. Management and monitoring of training will be in accordance with the Trust's Development and Training Support Policy (HR59).
- 11.2 This information can be accessed via the Learning Zone pages on the Trust intranet.

12 Review Process

- 12.1 The Trust will review this policy when there are changes to relevant legislation or good practice, or within the normal policy review cycle.

13 Equality Impact Assessment (EQIA)

- 13.1 This policy applies to all employees and positively applies benefits to older people in accordance with statutory requirements.

14 Process for Monitoring Compliance

Aspect of compliance or effectiveness being monitored	Monitoring method	Responsibility for monitoring	Frequency of monitoring	Group or Committee that will review the findings and monitor completion of any resulting action plan
Access and uptake to be monitored	At policy review access and uptake to be reviewed in relation to: Number of employees Retiring Number of employees applying for flexible retirement and outcomes Exit Questionnaires	HR Team	On policy review	JNCC
Organisation's expectations in relation to employees training	Management and monitoring of training will be in accordance with the Trust's Development & Training Support (HR59) and Risk Management Training Policy			

15 References

15.1 Legislation

- Equality Act 2010
Available at www.legislation.gov.uk/ukpga/2010/15/contents

15.2 Other references

- NHS Pensions
Available at <http://www.nhsbsa.nhs.uk/pensions>
McCloud Remedy Information: [Your NHS Pension after 1 April 2022 | NHSBSA](#)
- The NHS Employers Website provides further information and resources on retirement options.
Available at www.nhsemployers.org
- Agenda for Change Terms and conditions Handbook. (AfC). (2011)
http://www.nhsemployers.org/SiteCollectionDocuments/AfC_tc_of_service_handbook_fb.pdf
- ACAS Retirement Rights www.acas.org.uk
- BMA Guidance: 'Working in the peri-retirement period: possible changes to working practices (bma.org.uk)' <https://www.bma.org.uk/advice-and-support/nhs-delivery-and-workforce/the-ageing-workforce/working-in-the-peri-retirement-period-possible-changes-to-working-practices>

Appendix A Application for Retirement Certificate

Eligibility: Employees who are retiring and have been employed by the NHS for 15 years or more. Such service need not be consecutive.

Surname:

First names:

(Please underline which name(s) should be written on the Retirement Certificate)

Personal number: **Date of Birth:**

Date of Retirement:

Job Title: **Department:**

Personal Email address:.....

Name of Manager (in capitals) submitting request:

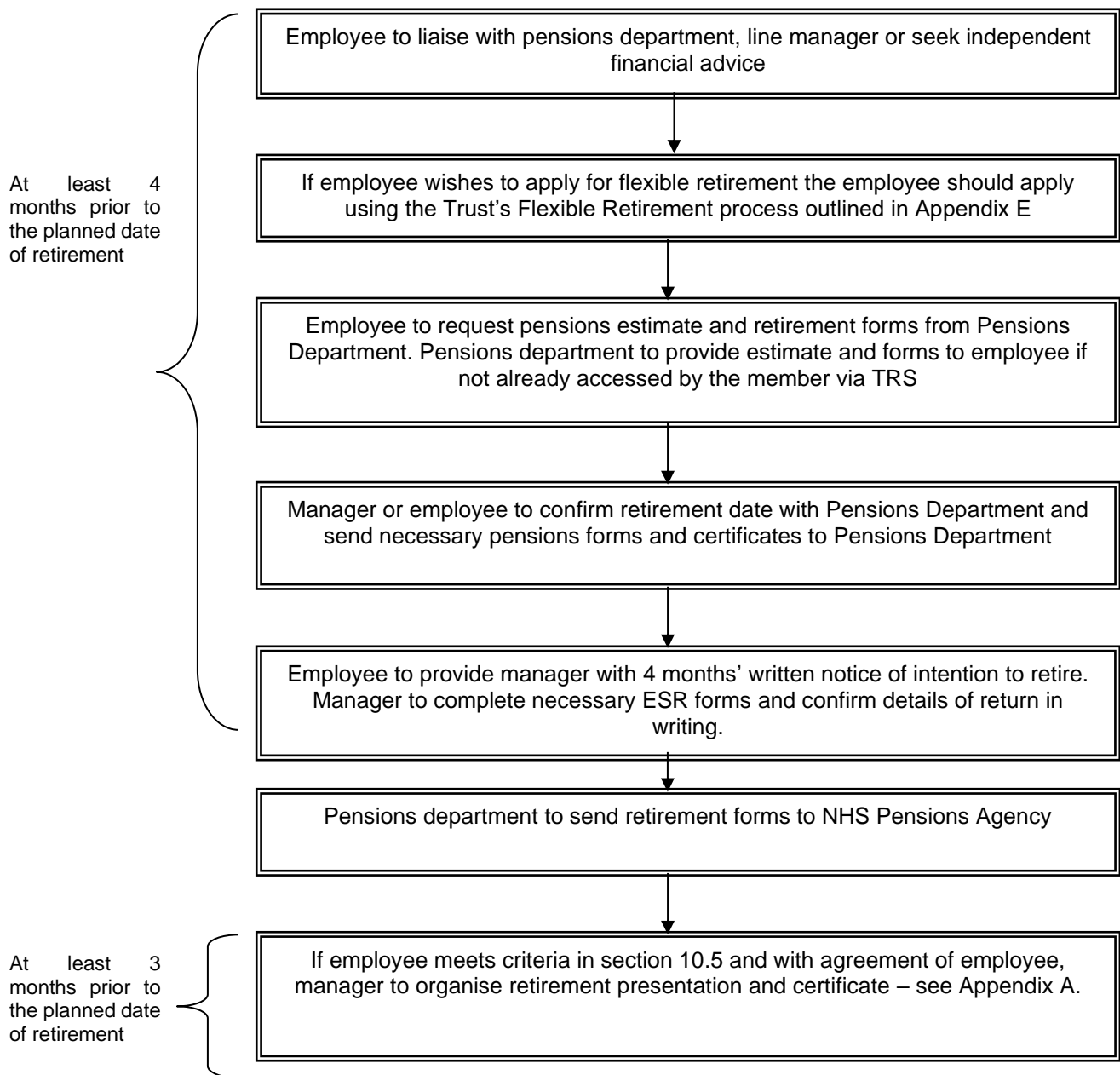
Ext no...... **Signature:**.....

Pay Services use only:

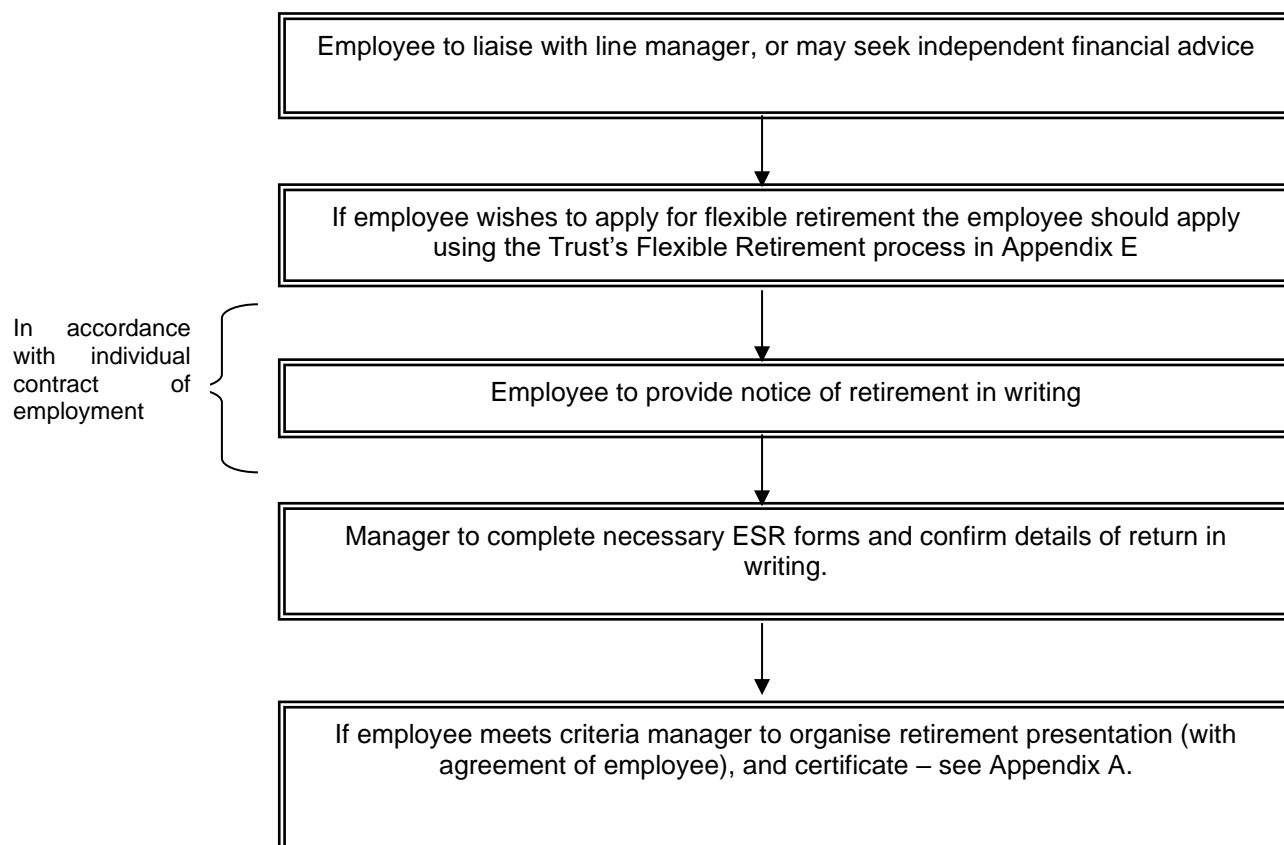
Number of years' service.....

PLEASE FORWARD THIS FORM TO HR (ORGANISATIONAL DEVELOPMENT) or emailing to:
sath.organisationaldevelopment@nhs.net

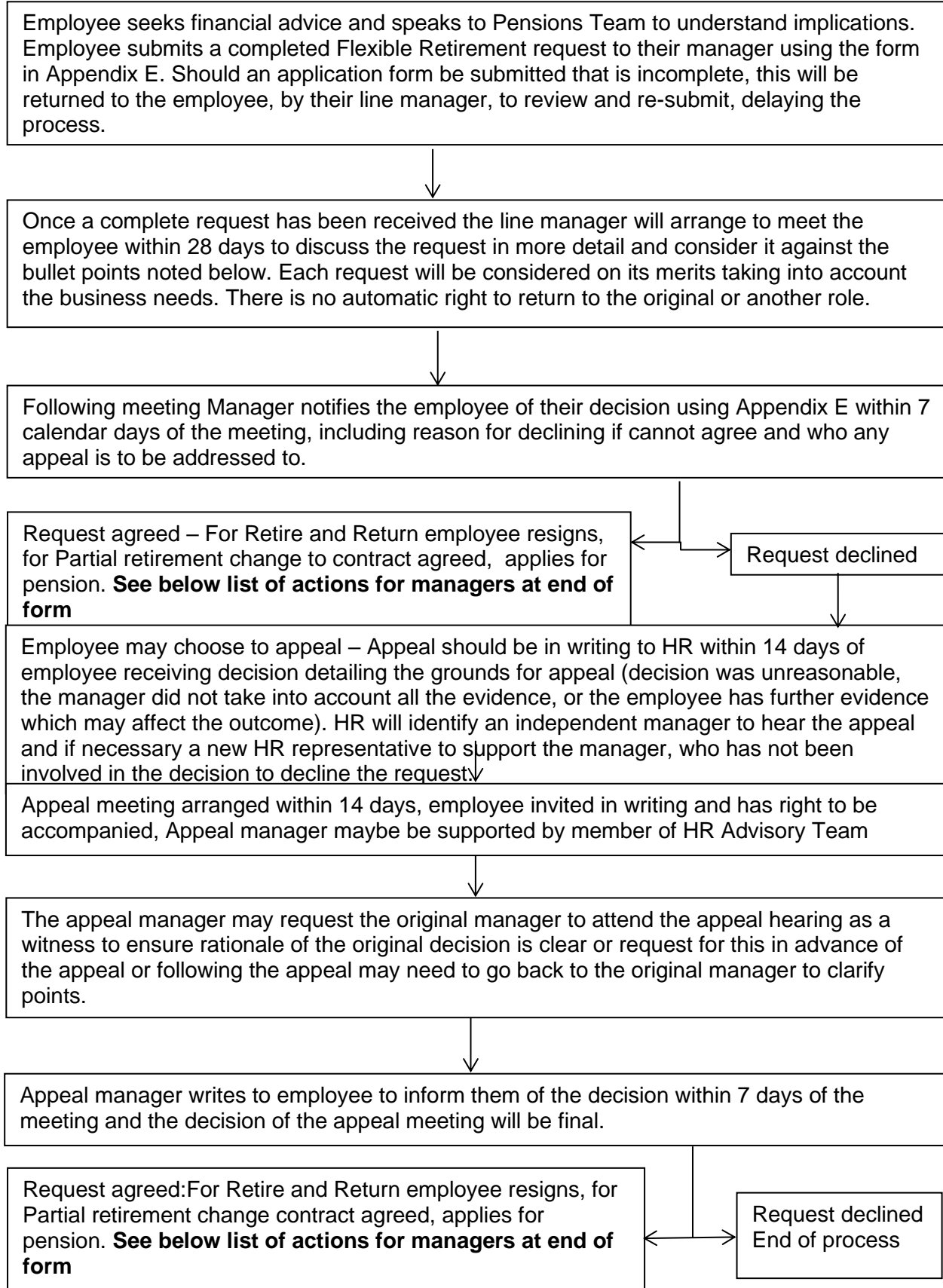
Appendix B Retirement Process – NHS Pension Scheme Members



Appendix C Retirement Process – Non-NHS Pension Scheme Members



Appendix D - Flexible Retirement – A guide for employees and managers



Considerations for managers when reviewing requests

The Trust will handle all flexible retirement requests in a reasonable manner. In doing so the following criteria will be taken into account when making a decision:

- The requirement for the post to be filled through 'retire and return,' will enable safer staffing levels particularly where the employee returning is filling a "hard to fill post".
- For employees who are wishing to 'step down' or 'wind down,' this will potentially create the opportunity for succession planning and for part-time staff to apply for additional hours enhancing their skills and knowledge.
- Reduction in hours by "step down" or wind down" would benefit the employee by enhancing their health and well-being.
- The line manager should apply fairness when considering individual requests taking into account previously agreed flexible retirement requests in the department.
- The employee's disciplinary and attendance record are factors that need to be taken into account in order to ensure that the needs of the service are met.

Useful Contacts

National NHS Pensions Helpline - For more detailed information on your own pension position or how to apply for your Pension, log into the Members hub at or call the NHS Pensions helpline on 0300 330 1346

Your Manager - for a Pre-Retirement discussion/meeting about what you would like to do

Sath Pensions Team - Pensions scheme guidance ext. 2344 or 1128

NHS Retirement Fellowship information on benefits and joining the Fellowship - www.nhsrf.org.uk

HR Advisory Team - Guidance on Retirement policy and Flexible Retirement Application process from on 2891

Appendix E - Application Form for Flexible Retirement (Please note this form is not to be used for Flexible Working requests).

Please ensure that you have read and understood the Retirement Policy and have sought independent financial advice and/or spoken to the Pensions Team before submitting this form. Once completed please pass this form to your line manager who will arrange to meet with you to discuss your request.

Section A - To be completed by the employee:			
Part 1 - Personal Details			
First Name:		Surname:	
Employee No:		Department:	
Date of Birth:		Job Title:	
Band:		Date of proposed retirement: For Retire & Returnees: (Date your contract will be terminated). For Partial Retirement: (Date you will reduce your contracted hours/sessions)	
Are you a member of the NHS Pension Scheme:	Yes/No (delete as appropriate)		
Part 2 - Current Working Pattern			
Days worked:		Times worked:	
No of Hours Worked:		No of Shifts per week / month:	
Part 3 – Details of Flexible Retirement being requested			
Please tick and give further details in section below, (please note incomplete forms could delay the process) <i>note rules and maximum hours in first month if returning</i>			
Wind Down (Same post reduced hours) available to NHS Pension Members and non NHS Pension scheme member prior to retiring.			

Step Down (To a lower banded post) <i>please note vacant posts will need to be advertised, please refer to section 6.1</i>			
Retire and Return (Take pension and return to same post or lower banded post if a vacancy) <i>please note vacant posts will need to be advertised, please refer to section 6.1</i>			
Partial Retirement - Draw Down pension whilst remaining in employment – either same post on less hours or lower banded/less paid role			
Date of proposed new contract:		Job Title:	
Band:		Preferred Days to work:	
Preferred hours to work:		Preferred No of Hours to work per week:	
Impact	<p>(i) <u>Impact of request: (please state how this change will affect your department / colleagues).</u></p> <p>(ii) Accommodating the request: (please state how the department / colleagues can support your requested change).</p>		
For Medical Staffing:	<p>For consultant staff, or for job plans/rotas of any other medical grades that do not include on-call, Medical Director or Deputy Medical Director must be sighted on plans through Divisional Medical Case Management meetings.</p>		
Part 4 - Employee Declaration			
<p>Under the terms and conditions of the Trust's Retirement Policy, I would like consideration to be given to my request to flexible retirement as indicated above:</p> <p>I confirm that I have read and understand the details contained within the Trust Retirement Policy and have sought financial advice regarding my pension. I understand approval is not guaranteed and needs to be considered in light of current service need, workforce plans, staffing and recruitment issues.</p>			

It is my responsibility to apply for my Pension and submit my resignation if I wish to retire, regardless of whether my application is approved or declined.

Signed:

Date:

Section B (To be completed by the Line Manager)

Please ensure you have given consideration to the factors in the guidance (Appendix E) and explored compromises if the request cannot be approved.

I confirm I have met with the individual to discuss their application and considered their request under this Retirement Policy. Please indicate below whether you approve or reject the request for Flexible Retirement.

I approve the individual's above request for Flexible Retirement,
(please tick in the box to the right)

I have rejected the individual's request for Flexible Retirement against
the relevant criteria below, giving your reasons in the boxes provided.

Please state
your reasons
against each
criteria below

- The requirement for the post to be filled through 'retire and return,' will enable safer staffing levels particularly where the employee returning is filling a "hard to fill post".
Reason:
- For employees who are wishing to 'step down' or 'wind down,' this will potentially create the opportunity for succession planning and for part-time staff to apply for additional hours enhancing their skills and knowledge.
Reason:
- The employee's disciplinary and attendance record are factors that need to be taken into account in order to ensure that the needs of the service are met.
Reason:
- Reduction in hours by "step down" or wind down" would benefit the employee by enhancing their health and well-being.
Reason:
- The line manager should apply fairness when considering individual requests taking into account previously agreed flexible retirement requests in the department.
Reason:

If the request is refused employees are able to appeal this decision. Appeals must be submitted within 14 days after the individual has received the outcome of their Flexible Retirement request, to HR who will identify an independent manager to hear the appeal and if necessary identify a new HR representative to support the manager who has not been involved in the decision to decline the request.

Submit Appeal to the name and email address of the HR support to whom an appeal should be addressed:
Named person in HR:

Name (Print):		Job Title:	
Signed:		Date:	

Line Manager Action:	Date completed
Confirm decision in writing to employee.	
Copy of completed form on employees personal file	
Receive employees resignation: for Retire and Returnees only.	
Acknowledge employees resignation: for Retire and Returnees only.	
For Retire and Return complete and submit the ESR Retire and return form and post information form as appropriate.	
For Partial Retirement complete and submit to ESR Partial Retirement Form, copy to pensions dept. (available on the intranet here)	
Instruct Recruitment Team to issue Statement of Main Terms and Conditions of Employment if returning to the same or a new post (Retire and Return)	

Flexible Retirement: Frequently Asked Questions (FAQ's)

Doc ID: W26.2

Options:

Step Down - Staff may step down to a different role, for example, to reduce the level of responsibility while remaining in NHS employment. Some members opting to step down may be eligible to have their higher level of pensionable pay protected, which might mean that their final salary benefits are not affected.

Wind down - Staff can wind down to retirement by remaining in their current post but reducing the number of hours or days they work. Reducing working commitments will reduce pensionable pay and a lower pension in the 2015 scheme will build up in the future compared to working full-time. However, any final salary benefits earned in the 1995 or 2008 sections will continue to be based on whole-time equivalent pensionable pay and protected from changes in working patterns.

Retire and Return - Staff who have reached the minimum pension age may leave NHS employment, claim their pension benefits and after a minimum 24 hour break return to NHS employment. If eligible staff will join the 2015 Scheme on returning to work. See FAQ's below.

Partial Retirement - Staff over age 55 can take part, or all of, their pension benefits and continue in NHS employment and continue to build up further benefits in the 2015 Scheme. The member's pensionable pay must be reduced by at least 10 per cent for 12 months. See FAQ's below.

FAQ's:

Retire and Return

Q1. At what Age can I Retire?

A. If you're aged 55 and over or have a protected minimum pension age of 50 (if joined before April 2006) you can claim your pension benefits.

Q2. Do I have to have a break in employment?

A. To claim your pension you will need to hand in your notice and have your employment terminated on your last day of service. You will then take a 24 hour break or longer before returning to work on a new payroll number.

Q3. Can I re-join the 2015 Scheme when I return to work?

A. If eligible you will re-join the 2015 Scheme and continue to build up further pension. You can also opt out if you do not wish to re-join, you can only opt out after you have been auto enrolled.

Q4. How do I start the process to retire and return?
A. Employees wishing to continue working in the same job role after receiving their NHS pension need to complete a Flexible Retirement Application Form (Appendix F) and submit to their line Manager **no later than 4 months before the date of retirement**. For requests to return to a lower banded post, the individual will need to apply through the normal recruitment process. The decision whether to agree to a Flexible Retirement Request will be made in accordance with the provisions documented in Appendix E & F.

Q5. What if my request to Retire and Return is refused?
A. If the request is refused you can appeal the decision through HR. Appeals must be submitted within 14 days of receipt of the returned form Appendix F, HR will identify an independent manager to hear the appeal and if necessary a new HR representative to support the manager who has not been involved in the decision to decline the request.

Q6. Where do I get the retirement application form from?
A. To apply, contact the pensions team 4 months prior to your retirement date to request the application form. You, your manager and the pensions department will need to complete:

- An AW8 retirement benefits application form
- Retirement details confirmation form (completed by your Manager and you) confirming date of termination and any outstanding annual leave.

Your manager will complete the Retire and Return Termination form and Post Information form (available on the intranet under ESR) confirming any outstanding annual leave and allowing for a 24 hour break before returning to work (plus any annual leave which will extend the date your pensions is paid from and the date you can return to work). The form must be sent directly to recruitment. sath.recruitment@nhs.net

Q7. Is my pension reduced if I retire before my normal pension age?
A. If you apply to retire before you reach your normal pension age, your pension benefits will be reduced as they are being paid early.

Q8. What is my normal pension age?
A. Your normal pension age depends on which part of the Scheme you are a member of: 1995 Section – age 60, 2008 Section – age 65, 2015 Scheme - your State Pension Age or age 65, whichever is later.

Q9. What will my entitlements be on return to work?
A. Employees who retire and return will retain entitlements that are related to and dependent on 'reckonable' service such as annual leave and occupational sick pay, as outlined in the Agenda for Change Handbook Section 12:

- 12.4 On returning to NHS employment, a previous period or periods of NHS service will be counted towards the employee's entitlement to annual leave.
- 12.5 On returning to NHS employment, a previous period or periods of NHS service will be counted towards the employee's entitlement to sickness absence, where there has been a break or breaks in service of 12 months or less.
- Any period of sickness prior to retire and return will be transferred to your new payroll number via an IAT (Inter Authority Transfer).
- To ensure that all Trust employees have an equitable amount of annual leave, all annual leave and public holiday entitlements are calculated in hours not days, regardless of whether the member of staff is full-time or part-time. If a member of staff joins the Trust part way through the leave year they get a pro rata number of hours for Annual leave and public holidays based on the number of weeks left in the leave year and the number of public holidays remaining in the year.

Annual leave and public holiday entitlement for a full year:
The formula you need to use is as follows:

$$\frac{\text{Your weekly contracted hours}}{5} \times \text{The Annual Leave/Public Holiday entitlement in days for a full time member of staff for a full year} = \text{Your Annual Leave/Public Holiday entitlement for the year in hours*}$$

Q10. When I have retired and returned what happens if I get made Redundant?

A Entitlements that are subject to continuous service, such as redundancy, will be dependent on the member of staff accruing the relevant length of service in their new contract after retirement as any previous service accrued prior to the date of retirement will no longer be considered 'continuous'. A new contract of employment will be issued when the individual re-joins in the same or a different post after retiring which will include the new start date of their service and terms and conditions of employment on appointment following retirement.

Q11. How will my Death in Service Benefits be affected?

Death in service benefits will be affected if taking retire and return. The benefits payable to your dependants including the lump sum will be calculated differently.

If you die in pensionable re-employment following retirement there will be two elements to be considered in calculating the lump sum as follows:

- the lump sum in respect of the benefits that you have earned in re-employment, and
- where death occurs within 5 years of retirement, the lump sum in respect of your original retirement pension.

How is each element of the lump sum calculated?

- the lump sum in respect of your re-employment will be equal to 5 times the pension for your service accrued
- the lump sum in respect of any retirement benefits that have been in payment for less than 5 years will be the lesser of either:
 - 5 times your annual pension less the amount of pension already paid, or
 - twice your pensionable pay less any retirement lump sum paid

Adult dependant's pension:

The initial pension will be calculated as 2 elements, reflecting the rules relating to death before and after retirement.

After the short-term pension has ended, the members spouse or partner will get an adult dependant's pension payable for life.

Q.12 If I retire and return and my department goes through a management of change, as I'm technically a new starter I don't get any employment rights, so if I'm down-banded do I get any pay protection?

A. No

Partial Retirement (also known as Draw Down)

Q13. What is the difference between retire and return and partial retirement?

A. The key distinction between retire and return and partial retirement is that with retire and return, the member must leave NHS employment, take their pension, have a 24 hour break in employment and then be re-employed on a new contract of employment. With partial retirement, the member can take their pension benefits without leaving their job or taking a break in service so their existing contract of employment continues to be in place.

Q14. At what Age can I take Partial Retirement?

A. If you're aged 55 and over or have a protected minimum pension age of 50 (if joined before April 2006) you can claim your pension under partial retirement.

Q15. Do I have to have a break in employment?

A. No break in employment is required, you can claim your pension and continue to work in NHS employment and carry on paying into the 2015 scheme.

Q16. How much pension can I take?

A. You can choose to take between 20% and 100% of your pension benefits. If you have a minimum pension age of 50 you must take 100% of your 1995 benefits.

Q17. Do I have to be paying into the NHS Pension Scheme?

A. Yes you must be an active member of the Scheme to take partial retirement – this means you must be actively contributing towards your pension. Once you have taken partial retirement, if you choose to opt out of the Scheme this will become effective from the end of your next pay period – in most cases this is at the end of the month. If you opt out of the Scheme, please remember you will no longer be entitled to ill health retirement benefits and death in service benefits you were entitled to as an active member. You must be an active member for a minimum of at least one day after taking partial retirement.

Q18. Do I have to reduce my pensionable pay to take partial retirement?

A. You will have to reduce your pensionable pay by at least 10% for 12 months after you take partial retirement. It is your responsibility to ensure that your pay remains at least 10% lower than your previous pay.

Q19. What is the amount of pensionable pay used to calculate the 10% reduction on?

A. The pensionable pay is based on the pay received in the last 12 months prior to the date you are claiming partial retirement from.

Q20. How do I achieve the 10% reduction in pensionable pay?

A. You could change your level of responsibility, work fewer hours, or move to a new role. Salary sacrifice does not count towards the 10% reduction.

Q21. Do pay awards or increments affect the increase in pensionable pay in the 12 months after partial retirement?

A. Annual Pay awards and contractual pay increases as you move through your pay band do not alter your 10% reduction in pay but a contractual change will. You must also take account of unsocial hours payments. If you increase the number of unsocial hours you work, your unsocial hours pay will increase too.

- Q22. Will my terms and conditions of employment change?
- A. Following the reduction in pensionable pay, you will have a contractual change to your terms and conditions of employment, this change is to reference how you've reduced your pensionable pay. The rest of your terms and conditions remain the same.
For Redundancy please see the NHS Terms and conditions of Service Handbook, Section 16, this states in 16.6 The following employment will **not** count as reckonable service: has previously been given NHS pension benefits, any employment that has been taken into account for the purposes of those pension benefits.
- Q23. How do I apply?
- A. If you wish to take partial retirement, you need to agree a new working arrangement with your manager that lets you reduce your pensionable pay by at least 10%.
The request for Flexible Retirement Application form will need to be completed Appendix F.
- Q24. What if my request to a new working arrangement is refused?
- A. If the request is refused you can appeal the decision through HR.
Appeals must be submitted within 14 days of receipt of the returned form Appendix F, HR will identify an independent manager to hear the appeal and if necessary a new HR representative to support the manager who has not been involved in the decision to decline the request.
- Q25. Where do I get the partial retirement application form from?
- A. To apply, you and the pensions department will need to complete:
- An AW8 retirement benefits application form
 - The Partial Retirement Supplementary Form
 - Provide a copy of the change form showing the reduction in your pensionable pay.
- Contact the pensions team 4 months prior to your partial retirement date to request the application forms.
- Q26. Is my pension reduced if I take partial retirement before my normal pension age?
- A. If you apply to take partial retirement before you reach your normal pension age, your pension benefits will be reduced as they are being paid early.
- Q27. What is my normal pension age?
- A. Your normal pension age depends on which part of the Scheme you are a member of: 1995 Section – age 60, 2008 Section – age 65, 2015 Scheme - your State Pension Age or age 65, whichever is later.
- Q28. How will my Death in Service Benefits be affected?

Death in service benefits will be affected if taking partial retirement. The benefits payable to your dependants including the lump sum will be calculated differently.

If after taking partial retirement, you were to die whilst in pensionable employment, the benefits payable to your dependants, including the lump sum, will be calculated differently for the:

- pension benefits you have not claimed as part of partial retirement and any further benefits you have accrued,
- pension benefits you have claimed as part of partial retirement.

Continues over

Your lump sum on death benefit will be calculated as follows:

Type of benefit	Calculation
Pension benefits you have not claimed as part of partial retirement and any further benefits you have accrued	<p>Twice the percentage* of your reckonable pay at the date of death.</p> <p>Your reckonable pay is the average of the best three consecutive years' pensionable pay in the last 10 years of your career in the NHS.</p> <p>*The percentage used will be the percentage of benefits you did not take when taking partial retirement</p>
Pension benefits you have claimed as part of partial retirement	<p>Where the death occurs within five years of partial retirement, the lesser of either:</p> <ul style="list-style-type: none">• five times your pension less the amount of pension already paid; or• twice the percentage amount of reckonable pay used in the calculation of your most recent partial retirement benefits, less the amount of lump sum taken.

Your adult dependant's or children's pension, if applicable:

Type of benefit	Calculation
Pension benefits you have not claimed as part of partial retirement and any further benefits you have accrued	According to the rules for the Scheme or Section for death in pensionable employment.
Pension benefits you have claimed as part of partial retirement	According to the rules for the Scheme or Section for death after retirement.

After the short-term pension has ended your spouse or Scheme partner will receive an adult dependant's pension payable for life.

You can find more information on partial retirement on the NHS Pensions website:

www.nhsbsa.nhs.uk/member-hub/partial-retirement

Q29. Where can I get further information?

A. Further information for managers and employees is available from:

Trust Policy – On the Intranet - https://intranet.sath.nhs.uk/hr/HR_Policies.asp

ESR Forms – On the Intranet -

https://intranet.sath.nhs.uk/hr/Workforce_info/ESR_Partial_Retirement.asp

NHS Employers - <https://www.nhsemployers.org/staff-experience/flexible-working>

NHS Business Services Authority - <https://www.nhsbsa.nhs.uk/member-hub/your-options-flexible-retirement>