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| **Human Resources** | **HR29 Retirement Policy** |

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| **Version Number** | | **Date Issued** | **Review Date** |
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| **Prepared By:** | Kirstin Brundle |
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| **Approved By:** | ICB Board |

**EQUALITY IMPACT ASSESSMENT**

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| --- | --- |
| **Date** | **Issues** |
|  | To be completed, as outlined in the agreed 2022/23 HR EIA review schedule. |

**POLICY VALIDITY STATEMENT**

Policy users should ensure that they are consulting the currently valid version of the documentation. The policy will remain valid, including during its period of review. However, the policy must be reviewed at least once in every 3-year period.

**ACCESSIBLE INFORMATION STANDARDS**

If you require this document in an alternative format, such as easy read, large text, braille or an alternative language please contact [necsu.icbhr@nhs.net](mailto:necsu.icbhr@nhs.net)

**Version Control**

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| 1.0 | July 2022 | NECS HR | First Issue |

**Approval**

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| --- | --- | --- |
| **Role** | **Name** | **Date** |
| Approved | ICB Board | July 2022 |

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# 1. POLICY STATEMENT

* 1. This policy is designed to assist all employees of the North East and North Cumbria Integrated Care Board (the Organisation) who are considering or have taken the decision to retire from service and outlines the options available and support that can be expected from management.
  2. This policy is intended to demonstrate the Organisation's commitment to promoting age diversity in its workforce.

# 2. PRINCIPLES

2.1 The Organisation does not operate a compulsory retirement age.

2.2 Early communication between an employee and their manager is an important pre-requisite for effective retirement planning. The Organisation’s annual appraisal process provides the opportunity to explore employees future career plans, including retirement; discuss options for flexible retirement and its implications for the Organisation; arrange appropriate help and support and plan accordingly for future recruitment needs.

2.3 Employees considering retirement, particularly flexible retirement, should discuss their plans initially with their line manager.

2.4 The Organisation encourages employees to prepare for their retirement both financially and personally and wishes to provide support to staff considering retirement. Appendix 1 provides further information and examples of bodies that provide retirement support.

2.5 When considering retirement options employees should bear in mind the potential impact on their pension and that NHS Pensions requires four months’ notice of any request for payment of pension benefits.

2.6 Employees wishing to claim their NHS Pension must ensure they complete form AW8, available from NHS Pensions or the Payroll Department.

2.7 Employees wishing to claim their NEST pension, which is the alternative scheme made available to those not eligible to join the NHS Pension scheme, must ensure they complete the necessary NEST procedure available via [www.nestpensions.org.uk](http://www.nestpensions.org.uk).

# 3. RETIREMENT

3.1 This section is intended to give brief details about the NHS Pension Schemes (1995, 2008 and 2015). The schemes are subject to change therefore information in this policy may alter. Managers and employees should refer to a Pensions Officer at the Payroll Department and/or the NHS Pensions website for more information.

**Protection Arrangements**

3.2 From 1 April 2015, members will be transferred to the 2015 pension scheme, with the exception of those with protection (as outlined below) who will remain in the 1995/2008 schemes:

3.2.1 Members of the 1995 and 2008 schemes who, as at 1 April 2012, were either already over the Normal Pension Age (NPA) or 10 years or less from their NPA and in active membership on both 1 April 2012 and 31 March 2015 are entitled to full protection.

3.2.2 Members of the 1995 and 2008 schemes who, as at 1 April 2012, were more than 10 years but less than 13 years and 5 months from their NPA and in active membership on both 1 April 2012 and 31 March 2015 are eligible for tapered protection. This means that the member will join the 2015 scheme but from a date later than 1 April 2015, determined by the member’s age in years and months as at 1 April 2012.

3.3 From 1 April 2015 all members without protection joined the new 2015 pension scheme. From 1 April 2015 to 31 March 2022 this is known as the remedy period as at retirement eligible members can chose to receive either 1995/2008/2015 scheme benefits for this period. All members will join the 2015 Scheme from 1 April 2022. The 1995/2008 Scheme will close for future accrual but pension benefits already built up will be protected. From October 2023, eligible members will be offered a choice of benefits for the remedy period as part of their retirement process. For further details, please refer to NHS Pensions website.

**NHS Pension Scheme 2015**

3.4 The NPA under the 2015 scheme is equal to an employee’s state pension age or age 65 if that is later. State pension age can be calculated at [www.gov.uk/calculate-state-pension](http://www.gov.uk/calculate-state-pension).

3.5 If a member does not claim their benefits at NPA, the employee may continue to build benefits up to the age of 75 by remaining in the pension scheme. Benefits must be claimed at age 75. Pension earned before NPA will be increased to take account of the fact that it is being paid later.

3.6 Members of the scheme may choose to take voluntary early retirement on or after the minimum pension age, which is age 55. In this instance, pension benefits will be reduced as a consequence of the benefits being paid earlier and for longer than expected.

3.7 The scheme does however have the facility for members to pay additional contributions to buy out the reduction that would be applied if pension benefits were claimed before NPA. This is known as an Early Retirement Reduction Buy Out (ERRBO) agreement. The agreement can be for early retirement one, two or three years before your NPA but no earlier than age 65.

**NHS Pension Scheme 2008**

3.8 The NPA under the 2008 scheme is age 65.

3.9 If a member does not claim their benefits at NPA, the employee may continue to build benefits up to the age of 75 or until they reach 45 years membership, whichever is sooner, by remaining in the pension scheme. Pension earned before NPA will be increased to take account of the fact that it is being paid later.

3.10 Voluntary early retirement can be taken from the minimum pension age of 55 with reduced benefits paid.

**NHS Pension Scheme 1995**

3.11 The NPA under the 1995 scheme is age 60.

3.12 If a member does not claim their benefits at NPA, the employee may continue to build benefits up to the age of 75 or until they reach 45 years membership, whichever is sooner, by remaining in the pension scheme. There are no provisions to increase benefits for members of the 1995 section for later payment of benefits.

3.13 Employees who joined the 1995 scheme before 6 April 2006 and have not had a break in membership of 5 years or more may choose to take voluntary early retirement from age 50 and receive reduced benefits. Otherwise the earliest age an employee can retire is age 55.

3.14 Some employees who are members of the 1995 scheme may hold Special Class or Mental Health Officer status which provides them with an earlier NPA of 55. These statuses are available in the 1995 scheme only and require a number of eligibility criteria to be met.

# 4. FLEXIBLE RETIREMENT

4.1 Flexible retirement provides flexibility regarding the age at which an employee retires, the length of time it takes to retire and the nature and intensity of work in the lead up to final retirement. It assists the organisation by retaining the skills of key employees who are approaching, or are at, retirement age and provides a greater choice for employees.

**Pre-retirement wind down (existing post)**

4.2 An employee approaching their retirement may wish to gradually reduce the number of hours they work leading up to their actual date of retirement while continuing to build pension entitlement.

**Pre-retirement step down (less demanding role)**

4.3 An employee approaching retirement may request to continue working in a less demanding and lower banded role.

4.4 If a change in role is agreed, the employee will be paid the appropriate rate for that post. If there is a reduction in working hours, the employee will be paid pro rata to hours worked.

4.5 Members of the NHS Pension Scheme (1995) who are over the minimum retirement age, and whose pay reduces by at least 10%, may apply for the higher rate of pay to be protected for pension purposes. The application must be made after 12 months but within 15 months of the date the rate of pay is reduced. Protections are not relevant to benefits earned in the 2015 Scheme because this is a Career Average Revalued Earnings scheme where the benefits earned are based on the pensionable earnings across the member’s career.

**Draw down (partial retirement)**

4.6 Members of the 2008 and 2015 NHS Pension Schemes may elect to take part of their pension benefits and continue in NHS employment. To do this the employee must have reached at least the minimum retirement age of 55 and have reduced their pensionable pay by at least 10%.

4.7 Between 20% and 80% of pension entitlement may be taken and pension membership will continue to build up. Pensionable pay must remain reduced for at least a year otherwise eligibility to a pension will cease. Benefits can be drawn down twice before final retirement.

**Retire and come back to work**

4.8 Under the provisions of the NHS Pension Scheme, employees have the option to retire from service and take all their pension benefits before returning to NHS employment.

4.9 Employees considering this option, who have NHS Pension Scheme membership prior to 5th April 1997, must request the Guaranteed Minimum Pension (GMP) check from the Pensions Officer in the first instance. Retirement cannot go ahead unless the GMP check has been passed.

4.10 If a request to retire and return is agreed, there must be at least a 2-week break between employments, to include a minimum 24-hour break in pensionable employment to satisfy the requirements of the NHS Pension scheme.

4.11 Where an employee has other employment in another NHS organisation or GP practice, they must ensure they also follow that organisation’s retirement procedures to ensure the minimum 24-hour break in all pensionable employment is satisfied for payment of their NHS pension.

4.12 Employees must take all accrued annual leave before their retirement date otherwise any days not taken will extend the retirement date and delay payment of the pension accordingly.

4.13 Members of the 1995 section must work less than 16 hours per week[[1]](#footnote-1) within one calendar month of retirement to avoid their pension being suspended. This restriction does not apply to members of the 2008 or the 2015 schemes. Please note there may be instances where an employee has membership in both the 1995 scheme and the 2008/2015 scheme, in such instances an employee must seek advice from the Pensions Officer in the Payroll Department to understand any restrictions on the working hours they will return to.

4.14 Employees who are in receipt of any earnings related protection will lose that protection on their return to work following the break in service.

4.15 Once an employee retires and receives their pension benefits in relation to their NHS service, this service will no longer be counted as ‘reckonable’ for redundancy purposes. Where an employee takes their pension benefits and returns to work at the organisation, reckonable service will begin from the date of return to employment after the break in service.

4.16 Employees who retire and take their pension benefits from the 1995 scheme before returning to work will not be able to re-join the NHS Pension Scheme, however an alternative pension scheme will be provided by the Organisation. Employees who retire from the 2008 or 2015 schemes will be eligible to re-join the NHS Pension scheme on return to NHS employment.

# 5. ILL HEALTH RETIREMENT

5.1 When an employee becomes incapable of carrying out their duties on a permanent basis, and no reasonable adjustments can be made or suitable alternative employment secured (see Redeployment policy), the employee may wish to apply to NHS Pensions for retirement on the grounds of ill-health. This option is only available to employees who have two years continuous pensionable NHS service. The minimum pension age does not apply in the case of ill health retirement.

5.2 Where ill-health retirement is identified as an option, the employee will be provided with an estimate of pension benefits via Human Resources or from the Pensions Officer. The application must be made on the appropriate form which is available from the Payroll Department.

5.3 Medical advisers, appointed by NHS Pensions, will assess the available medical evidence and will confirm whether the employee is permanently incapable of carrying out either their present NHS duties or any regular work. A Tier 1 or Tier 2 pension may be paid dependent upon this decision.

5.4 Tier 1 is where an employee becomes permanently incapable of performing their current job role due to ill health. In this situation an employee will receive their accrued benefits (1995 & 2008 scheme) / pension (2015 scheme), but without reduction to take account of early payment. There is no enhancement to benefits.

5.5 Tier 2 is where an employee becomes permanently incapable of doing any regular work due to permanent ill health. In this situation an employee will received enhanced benefits dependent upon which scheme they are a member of.

5.6 If an employee is terminally ill and not expected to live longer than a year and has been accepted by NHS Pensions for ill health retirement, then they may apply to exchange their ill health benefits for a one off lump sum payment.

5.7 It is important to note that the decision regarding an application for ill health retirement rests solely with NHS Pensions and not the Organisation.

5.8 If an individual returns to NHS employment before their normal pension age and their earnings are above a certain level, some of their ill health pension may be reduced. This is called abatement and it applies where earnings from re-employment plus the “unearned” portion of the ill health pension exceeds earnings before retirement.

5.9 If a Tier 2 ill health pension is granted and the individual is subsequently able to undertake work at a later date, there are restrictions based on the kind of work an individual can do and the amount of money they can earn. These restrictions differ primarily on whether you return to work in the NHS or not. Individuals must make themselves aware of the rules governing the continued receipt of a tier 2 ill health pension and understand they will be subject to an annual review by NHS Pensions.

**6. NEST SCHEME**

6.1 Any employee who is not eligible to join the NHS Pension Scheme will instead be automatically enrolled (subject to eligibility criteria) in the government-backed workplace pension scheme called NEST. Both the employee and the Organisation will pay contributions into the scheme. However, an employee does have the option to opt-out of the scheme within one month of being automatically enrolled and details of how to opt-out will be included in the welcome pack they receive up on being enrolled.

6.2 An employee’s NEST retirement date will be set depending on when they were born. If born on or before 5 December 1953, the retirement date will be the day they reach age 65. If they were born after 5 December 1953, their NEST retirement date will match their State Pension Age as it is on the day they join NEST. If they have already reached either 65 or their State Pension Age at the time of joining NEST then their NEST retirement date will be age 75. An employee has the option to select a different NEST retirement date to better suit their circumstances providing their age on the new date chosen is no less than age 55.

6.3 An employee can take money out of their NEST account at any time from the day they turn 55 years, or potentially earlier if suffering from serious ill health or incapable of working due to ill health. An employee can take out as much as they want, whenever they want. However the extent to which they will be able to do this will depend on their pension scheme and how much they have in their pot.

6.4 Managers and employees should refer to the NEST website for more information.

# 7. PROCEDURE (WHERE A MEMBER OF NHS PENSION SCHEME)

7.1 Employees who have decided that they wish to retire or are considering retirement, particularly flexible retirement, should discuss their plans initially with their line manager.

**Notice of Retirement**

7.2 Employees wishing to fully retire from work must resign from their employment, giving the appropriate contractual notice. They will be expected to take all accrued annual leave prior to their leaving date for the reason outlined at paragraph 4.12.

7.3 Where an employee intends to retire and take their pension on their retirement date, the amount of notice required is four months’, and ideally should be longer whenever it is reasonably practicable to do so. This is to enable the pension be paid on time by NHS Pensions. The employee must make contact with the Payroll Department, at least four months before their retirement date, to ensure completion of the necessary documentation (e.g. AW8 form) for payment of pension.

7.4. On receipt of an employee’s notice, the line manager must immediately complete an ESR4 Termination Form and submit this to Human Resources.

**Flexible Retirement**

7.5 A request for flexible retirement must be made by the employee, using the form in the resource pack, to their line manager. The application must be submitted allowing sufficient time between the submission of the request and the proposed start date for the application to be considered.

7.6 The whole process from receipt of the application through to the decision of any appeal must be concluded within 3 months.

7.7 Only one application can be made in any 12 month period.

7.8 An employee must provide as much relevant information as possible in their application so that management can make an informed decision without delay, bearing in mind the notice required both contractually and for NHS Pensions to process the pension if required.

7.9 The line manager will acknowledge the request using the form outlined in the resource pack) and will arrange a meeting with the employee to discuss the application, to be held no later than 28 calendar days after the date of application. The employee has the right to be accompanied by their trade union representative or a work colleague at this meeting.

7.10 The purpose of the meeting is to discuss the request, review the working pattern proposed and how it may be accommodated. If there are likely to be problems with the request these should be explored and/or possible alternative identified where appropriate. No speculative decision will be given at the meeting.

7.11 A decision will be made within 14 calendar days of the meeting and the employee notified in writing using the form in the resource pack). The notification will either:

* accept the request and establish a start date and any other action or
* confirm a compromise agreed at the meeting or
* reject the request, detailing all of the facts and demonstrating the business rationale behind the decision.

It will also include details of the appeals process.

7.12 If an employee does not attend two arranged meeting without ‘good reason’ the application is considered withdrawn. In such circumstances, a further request may not be made for a further 12 months.

7.13 In considering applications for “retire and return,” the line manager will have to demonstrate that there is a business requirement for the post to be filled through retire and return and that monies could not be better used differently. All applications will include consideration of the following:

* the requirement for the post to be filled through "retire and return" in light of cost improvement pressures etc.;
* equality requirements;
* value for money;
* the standard of the employee's work and attendance;
* the employee's competence (skills, knowledge and experience) against the essential requirements of the post;
* whether the hours proposed can be accommodated / meet service needs;
* succession planning and the potential impact the employee's return will have on their team;
* whether it is in the best interests of the service to accommodate the "retire and return" request;
* longer term workforce / service plans for the post and team and how the "retire and return" request fits with this.

**Appeal Procedure**

7.14 If the employee believes their request has not been properly considered, they may appeal the decision. The employee must submit their appeal in writing within 14 calendar days of receipt of the written decision regarding their request.

7.15 The appeal will be acknowledged in writing and an appeal meeting arranged.

7.16 The appeal meeting must take place within 14 calendar days of receiving the employee’s appeal and will be heard by the line manager of the manager who made the original decision, or someone at an equivalent level.

7.17 The employee has the right to be accompanied by their trade union representative or a work colleague at this meeting.

7.18 The decision on the appeal must be given within a further calendar 14 days and is final.

1. **PROCEDURE (WHERE A MEMBER OF THE NEST SCHEME)**

8.1 Employees who have decided that they wish to retire or are considering retirement should discuss their plans initially with their line manager.

**Notice of Retirement**

8.2 Employees wishing to fully retire from work must resign from their employment, giving the appropriate contractual notice.

8.3 Where an employee intends to retire and take their pension, they must ensure they have made the necessary pension arrangements directly with NEST in advance. How to do this will have been outlined to the employee in their retirement letter from NEST, which is sent six months prior to the individual’s NEST retirement date (See para. 6.2). Where the individual is taking their pension earlier than their NEST retirement date, the employee must visit their online NEST account or the NEST website or helpline.

8.4 On receipt of an employee’s notice, the line manager must immediately complete an ESR4 Termination Form and submit this to Human Resources.

# 9 EQUAL OPPORTUNITIES

9.1 In applying this policy, the organisation will have due regard for the need to eliminate unlawful discrimination**,** promote equality of opportunity**,** and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

# 10 DATA PROTECTION

10.1 In applying this policy, the Organisation will have due regard for the UK General Data Protection Regulation (UK GDPR) tailored by the Data Protection Act 2018 and the requirement to process personal data fairly and lawfully and in accordance with the data protection principles. Data Subject Rights and freedoms will be respected, and measures will be in place to enable employees to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal information.  Employees will have access to a Data Protection Officer for advice in relation to the processing of their personal information and data protection issues.

# 11. MONITORING & REVIEW

11.1 The policy and procedure will be reviewed periodically by Human Resources in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

**12. ASSOCIATED DOCUMENTATION**

* HR08 Equality & Diversity Policy
* HR09 Flexible Working Policy
* NHS Pension Scheme 2015 Member Guide
* NHS Pension Scheme 1995/2008 Member Guide
* NHS Pensions Retirement Guide

# Appendix 1- Further Information

Further information about retirement and related issues can be found as follows:

Payroll

Contact your Pensions Officer at:

Payroll Department, North of Tyne Payroll Services, Northumbria House, Cobalt Business Park, Silverlink, Newcastle upon Tyne, NE27 0QJ

Tel: 0191 2031234

NHS Pensions

NHS Business Services Authority, Stella House, Goldcrest Way, Newburn Riverside, Newcastle Upon Tyne, NE15 8NY

Website: www.nhsbsa.nhs.uk/nhs=-pensions

Member helpline: 0300 330 1346

NEST

Nene Hall, Lynch Wood Business Park, Peterborough, PE2 6FY

Member Helpline: 0300 020 0090

Member Help Centre: [www.nestpensions.org.uk/memberhelpcentre](http://www.nestpensions.org.uk/memberhelpcentre)

Email: [support@nestpensions.org.uk](mailto:support@nestpensions.org.uk)

State Pensions – [www.direct.gov.uk](http://www.direct.gov.uk)

The Pensions Advisory Service

TPAS helps the public with pensions problems and provides information and guidance on State Pension, company, personal, stakeholder and occupational pensions.

Tel: 0800 011 3979

Website: [www.pensionsadvisoryservice.org.uk](http://www.pensionsadvisoryservice.org.uk)

‘Are You Over 50?’ – A practical guide to advice, support and services available through central and local government covering:

* Options at work
* Learning, volunteering and leisure activities
* Financial planning
* Health and fitness
* Support available if you are a carer
* Help and advice from government and voluntary organisations

Website: [www.direct.gov.uk/over50s](http://www.direct.gov.uk/over50s)

NHS Retirement Fellowship

The NHS Retirement Fellowship is a registered charity for the benefit of all NHS employees and their partners. The branch provides a venue for healthcare staff to continue friendships formed during employment and offers the opportunity for individuals to make new friends with people from a shared NHS background.

Website: [www.nhsrf.org.uk](http://www.nhsrf.org.uk)

# Appendix 2 - Equality Impact Assessment

Equality Impact Assessments will be updated to include statistical data. Equality Impact Assessments will be updated and included in each Human Resource policy, as per the agreed 2022/23 HR EIA review schedule

1. # NHS Pension Scheme: continued suspension of abatement and the 16-hour rule until 31 October 2022 - [NHS Pension Scheme: continued suspension of abatement and the 16-hour rule until 31 October 2022 | NHS Employers](https://www.nhsemployers.org/news/nhs-pension-scheme-continued-suspension-abatement-and-16-hour-rule-until-31-october-2022?utm_campaign=537793_NHS%20Workforce%20Bulletin%2014%20March%202022&utm_medium=email&utm_source=NHS%20Confederation&dm_i=6OI9,BIYP,296ZTZ,1DZ43,1)

   [↑](#footnote-ref-1)