
NORMAL AGE RETIREMENT POLICY

Purpose

1. The aim of this policy is to set out the way which South Hams District Council will define and manage Normal Age Retirement within its workforce.
2. The provisions set out in this policy reflect the requirements under the Employment Equality (Age) Regulations 2006.

Scope

3. The policy shall apply to all employees of the Council.

Normal Age Retirement

4. This Policy establishes that normal age retirement will occur upon an employee's 65th birthday. A process as outlined in this policy will be applied to all employees who reach this age to ensure compliance with the above Regulations.
5. Compulsory retirement of an employee cannot occur under this policy until the employee has reached their normal retirement age. This does not affect the current right of certain employees to take voluntary early retirement under the Pension Scheme Regulations.

Flexibility to work beyond the Retirement Age

6. The Council is committed to adopting a flexible approach to retirement and recognises the benefit that it can have for both the employee and the Council.
7. The Council welcomes requests from employees to work beyond the normal retirement age. Each request will be considered on an individual basis. The Council is not under any obligation to agree to such requests and should a request be granted, it may be subject to changes in the employment terms ie hours of work, pay rates, responsibilities or duties.



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8. This policy defines the normal time limit of an extension of employment beyond the normal retirement date. Extensions will be limited to a maximum period of two years. It is unlikely that single requests for extensions of employment of more than two years will be successful; however, employees may request a second or subsequent extension to employment (in accordance with the procedure determined by this policy) at the end of the extension period.
 9. The Council will judge a request against the needs of the Service. An objective assessment will be made covering areas such as skills match, work demands, alternative employment options, future workforce requirements, qualification and performance (including timekeeping, attendance or disciplinary record)
 10. All notices given in accordance with this policy will be in writing and dated.

Notification of Retirement Date

11. The council will write to every full time employee during their last full year of service notifying them of the Intended Retirement Date (date of their 65th birthday). It will confirm:-

The fact that their employment will terminate as a result of that date;
They have the right to ask the Council to agree to them continue working beyond the Intended Retirement Date.

This notice will be given to employees at least six months before the intended retirement date.



Requests for Extending Employment beyond Normal Retirement Date

- 12.** Employees wishing to work beyond the normal retirement date must register this request in writing to their Head of Service. A Head of service should write to their Strategic Director. The request should be made no less than three months but no more than six months before their 65th birthday. The request must state whether the employee wishes to continue to work indefinitely, for a stated period or until a specified date.
- 13.** A Statutory Officer, Strategic Director or Chief Executive must also comply with the timescale detailed in paragraph 12. The request process is being developed in accordance with the requirement of the Council's Constitution; Members will be circulated with further details at a later date.
- 14.** The Council will carefully consider any request made. A meeting will be held between the employee and management to discuss the matter. The employee shall have the right to be accompanied (See 'Right to be Accompanied').
- 15.** In the event that the Council agrees to the request the employee will be notified in writing, by the Head of Service, (or Strategic Director if appropriate) of this fact and also of any conditions that may apply. A revised retirement date will also be confirmed.
- 16.** If the Council decides that it is not possible to agree to the request the Head of Service (or Strategic Director) will write to the employee explaining the reasons for this and confirming the original retirement date. Employees have the right of appeal against this decision.

Appeal Procedure

- 17.** An employee who wishes to appeal must do so within ten working days of receiving notification of the Council's decision. The appeal must be in writing, and addressed to the Head of Personnel and Payroll the letter should set out the grounds of the employees appeal.
- 18.** The Appeal will be considered by a panel of three officers (Service Manager level or above) chaired by an independent



Strategic Director. Panel members will be drawn from outside of the employee's service area. An Appeal made by a Head of Service will be considered by a panel of Officers, chaired by the Chief Executive.

19. At the appeal meeting, the employee will have the opportunity to put their case, substantiating any reasons as to why their request should be accepted. Line management will have a similar opportunity to explain to the panel the reasons behind the objection to the employee's request.
20. Panel will inform the employee in writing of their decision (under the signature of the Chairman) within ten working days of the meeting.
21. If the panel decide to accept the Appeal the letter will confirm that decision either to set out the employees new retirement date or inform the employee that their employment will continue for an indefinite period as appropriate; and set out any agreed changes to the contract of employment.
22. If the Panel decide not to accept the Appeal, or agree to a new retirement date earlier than that proposed by the employee, they will confirm that the Council wishes to retire the employee on the normal retirement date.
23. There will be no further right of Appeal against the Panel's decision.
24. The Council will, as far as possible give reasons why it has refused an employee's request to work beyond the normal retirement date. The Council is not required to do so in Law but will undertake this commitment in good faith with the clear intention of fostering good employee relations.

Right to be Accompanied

- 25 Employees have the right to seek advice and to be accompanied at any time during the operation of the above procedure. The person concerned must be a Trade Union representative or an independent work colleague.
26. The representative may address the meeting and confer with the employee but must not answer questions on the employee's behalf.
27. If the representative is unable to attend the meeting or the Appeal meeting on the date proposed, the Council would endeavour to



rearrange the meeting for an alternative date. Failure to achieve agreement on a second date any prompt the Council to suggest that the employee either attends alone or brings an alternative representative.

Continuous Requests

28 The procedures set out in this Policy will apply in respect of each new request that an employee may make to extend their intended retirement date, unless where the period of extension agreed to is for a fixed period of six months or less beyond the original intended retirement date.

Pension Benefits

29 Employees who are members of the Local Government Pension Scheme have the opportunity for any employment after their 65th birthday to be pensionable.

Statutory Disputes Procedure

30 This policy complies with the requirements of the Statutory Disputes Procedure. Employment terminations upon retirement are dismissals in Law.
Arrangements for dealing with a refusal of a Chief Executive, Strategic Director or Statutory Officer's request to work beyond the normal relevant date will need to comply with the requirements of the Council's contribution out of the appropriate negotiating body under which the employee is employed.

Mediation

31 In the event of mediation being required regarding the application of this policy an individual should raise their concerns with Personnel.

Equalities

South Hams District Council is committed to promoting equality and valuing diversity in everything we do including service delivery and employment. Further details can be obtained by referring to the Equality and Diversity in Employment Policy Statement in the staff handbook.



Monitoring and Review

Estimated Implementation date: January 2007

Review date: January 2009

