Retirement Policy

V1.3

October 2017
Summary.

Staff member considers retirement and discusses pre-retirement options/intention to retire with manager as part of regular 1:1 meetings and/or during annual performance development review.

If staff member is a member of the NHS Pension Scheme, manager sends notification to the Trust’s Pensions Department (at least four months in advance of the proposed last day of service inclusive of any outstanding annual leave).

Manager completes R-Form and submits to the Payroll Department.

Manager establishes staff eligibility for long-service awards (see Section 6.6) and, where applicable, sends copy of R-Form to PA for Corporate Services.

Manager:  
- Completes Re-employing a retired member of staff form (see Appendix 13), ensuring contractual rules and NHS Pension conditions are observed (see Section 6.7.2).  
- Arranges for form to be counter-signed by the appropriate Associate/Clinical Director/Head of Service, and  
- Sends form to Recruitment Services  
- Contacts CITS and Security Department re staff member’s access to department and computer drives.

Recruitment Services raises appointment paperwork.

Staff member retires.

Staff member returns to work.

Please note:  
The Royal Cornwall Hospitals Trust does not operate a compulsory retirement age. However, age-related criteria will apply in relation to NHS Pension benefits.
Flexible retirement application process

Manager receives an application for flexible retirement

Within 21 days

Manager and member of staff meet to discuss the application

Within 7 days

The manager writes notifying the member of staff of their decision

Request is ACCEPTED

Both parties will need to consider what arrangements they need to make when the requested change commences

Request is REJECTED

The member of staff needs to decide if they wish to appeal against the manager’s decision. If so, they must appeal in writing, setting out the grounds for appeal

Within 7 days

Manager receives the employee’s written appeal

Within 14 days

Both parties meet to discuss the appeal

Within 7 days

The manager writes notifying the member of staff of their decision

Request is ACCEPTED

Both parties will need to consider what arrangements they need to make when the requested change commences

Request is REJECTED

Staff member may wish to discuss the issue with HR or pursue further action
Table of Contents

Summary ............................................................................................................................................. 2
Flexible retirement application process ............................................................................................. 2
1. Introduction.................................................................................................................................... 6
2. Purpose of this Policy .................................................................................................................. 6
3. Scope .......................................................................................................................................... 6
4. Definitions / Glossary .................................................................................................................. 7
5. Ownership and responsibilities ................................................................................................. 7
  5.1. Role of the Director of Human Resources and Organisational Development ............ 7
  5.2. Role of the Associate Director/Clinical Director/Head of Service ............................. 7
  5.3. Role of Managers ................................................................................................................. 7
  5.4. Role of Individual Staff ....................................................................................................... 8
  5.5. Role of Human Resources .................................................................................................. 8
  5.6. Role of the Pensions Department ...................................................................................... 8
6. Standards and Practice .............................................................................................................. 9
  6.1. General Retirement Principles ........................................................................................... 9
  6.2. Age Retirement ................................................................................................................... 10
  6.3. Voluntary Early Retirement (VER) ................................................................................. 10
  6.4. Ill Health Retirement ......................................................................................................... 10
  6.5. Flexible Retirement ........................................................................................................... 11
  6.6. Long Service Awards on Retirement ............................................................................. 14
  6.7. Procedure .......................................................................................................................... 15
7. Dissemination and Implementation .......................................................................................... 19
8. Monitoring compliance and effectiveness .................................................................................. 19
9. Updating and Review .................................................................................................................. 19
10. Equality and Diversity ............................................................................................................. 20
   10.1 General Statement ......................................................................................................... 20
   10.2 Equality Impact Assessment ....................................................................................... 20
Appendix 1. Governance Information ............................................................................................. 21
Appendix 2. Initial Equality Impact Assessment Form ................................................................. 24
Appendix 3. Further information and useful contacts ................................................................... 26
Appendix 4. Retire and return - senior medical staff .................................................................. 27
Appendix 5. Application form ....................................................................................................... 29
Appendix 6. Manager’s confirmation of receipt ............................................................................ 32
1. Introduction

1.1 This policy sets out the key principles for ensuring staff who are retiring from the Trust are aware of the options that may be available to them and that they are given assistance to make proper preparation for retirement.

1.2 The Trust recognises that retirement can cause considerable change in an individual's life and the measures outlined in this policy are intended to ensure a smooth transition from work to retirement.

1.3 The Trust places a high value on the part played by staff in the provision of services to patients and seeks to ensure that the management of its staff is carried out in accordance with the principles of equality and fairness.

1.4 This version supersedes any previous versions of this document.

2. Purpose of this Policy

2.1 The policy is designed to assist staff who are considering or have taken the decision to retire from the Trust.

2.2 It sets out the retirement planning procedure that managers and staff must follow when considering the option of retirement including flexible retirement and aims to:

- allow staff to prioritise their own health and well-being
- support work/life balance considerations including caring responsibilities
- recognise the business case benefits and the contribution older staff can make to the provision of services to patients
- allow skills to be retained through changing the working arrangements of older staff (eg reduced physical demands and/or responsibilities) to provide a range of choices as staff prepare to retire or work longer
- help staff make the transition from work to retirement
- enable staff to retire at any age, appropriate to their circumstances, taking into consideration the needs of the service

3. Scope

3.1 The policy applies to all staff directly employed by the Royal Cornwall Hospitals Trust and has been developed taking into consideration the provisions of the Equality Act 2010 (as amended).

3.2 This legislation enables employers to have a compulsory retirement age only in limited circumstances where it is a proportionate measure to achieve a legitimate business aim. The Trust considers that it does not currently require a compulsory retirement age for its staff members, although this may be reviewed in future. Age related criteria, however, will apply in relation to NHS pension benefits.
4. Definitions / Glossary

- **Retirement** - when a staff member chooses to cease work on a permanent basis.

- **Retirement age** - the age at which a staff member chooses to retire from work. The Trust does not have a set retirement age and there is no statutory default retirement age.

- **Pension age** - the age at which a staff member can draw their pension and will depend upon the particular NHS scheme section they belong to. This will not necessarily coincide with their retirement age (i.e. the date they retire).

- **State pension age** - the earliest age at which an individual can claim a state pension (subject to qualifying conditions).

- **Flexible retirement** - flexibility regarding the age at which a staff member retires, the length of time a staff member takes to retire or the nature and intensity of work in the lead up to final retirement.

- **Special class status** - is applicable to members of the 1995 section of the NHS Pension Scheme who work as a nurse, midwife, physiotherapist, health visitor or occupational health nurse. Qualification is dependent on an individual having been awarded special class status on or before 6 March 1995 and at no time following having had a break in pensionable employment of five years or more. Members must also have special class status at retirement and must have had this status for five years leading up to retirement.

5. Ownership and responsibilities

**5.1. Role of the Director of Human Resources and Organisational Development**

The Director of HR and OD has overall responsibility for the implementation, monitoring and review of the policy.

**5.2. Role of the Associate Director/Clinical Director/Head of Service**

The Associate Directors/Clinical Directors/Heads of Service are responsible for the fair application and implementation of the policy within their division. This will include consideration of all flexible retirement retire and return requests.

**5.3. Role of Managers**

Managers are responsible for:

- participating fully in pre-retirement planning with staff, ensuring that the principles and processes contained in this policy and procedure are adhered to in the required timescales. Line managers must ensure consistent application of the policy within their area of responsibility.
• asking all the staff they manage, irrespective of age, about their aims and aspirations for the short, medium and long term as part of the annual performance development review process. This will help managers plan their workforce, organise appropriate training and development and succession plan

• ensuring staff are made aware of the pension options and potential opportunities of remaining in Trust employment as an alternative to retirement (including retire and return)

• considering each application for flexible retirement on its merits in accordance with the flexible retirement application procedure, reviewing the impact of a staff member who wishes to take flexible retirement, or retire and return, on the operation of the department and the needs of the service, whilst taking into consideration the economic circumstances and workforce planning issues facing the department and Trust at the time

• seeking advice from and liaising with the appropriate HR Practitioner team for advice when considering each application

• ensuring advance notification is sent to the Trust’s Pensions Department of any pending retirement cases – four months in advance of the proposed last day of service, inclusive of any outstanding annual leave due

5.4. Role of Individual Staff
Members of staff are responsible for:

• fully engaging with their line manager in discussing pre-retirement options and/or raising their intention to retire as part of regular 1:1 meetings and/or during their annual performance development review

• notifying their manager at least six months before their expected date of retirement to enable arrangements to be made to ensure service continuity, succession planning and to meet NHS pension notice requirements.

5.5. Role of Human Resources
HR Practitioner teams are responsible for:

• providing advice and support to managers and staff in the practical application of the policy and procedure

• monitoring successful/unsuccessful applications for flexible retirement, analysing and reporting trends.

5.6. Role of the Pensions Department
The Pensions Department is responsible for providing:

• information to managers
• quotes and retirement packs to staff
• processing retirement applications for submission to the NHS Pensions.
By law, Pensions Officers may not offer financial advice to scheme members. Therefore, while they have a duty to provide information about the scheme and the options available, they may not advise staff.

6. Standards and Practice

NHS Pension Scheme

6.1. General Retirement Principles

This section is intended to give brief details about the NHS Pension Scheme. As the scheme is subject to change, the information given may alter with time. Managers and staff should therefore contact the Trust’s Pensions Department and/or refer to the NHS Pensions website www.nhsbsa.nhs.uk/pensions to ensure they obtain the most recent information of the section(s) of the Pension Scheme of which they are a member.

When considering retirement options staff should bear in mind the potential impact on their pension. They are strongly encouraged to seek information from the Pensions Department and advice from an Independent Financial Advisor during the planning period and before making a decision.

The key retirement principles are as follows.

- The Trust does not operate a compulsory retirement age.
- Age related criteria, however, will apply in relation to NHS Pension benefits.
- The normal pension ages for members of the NHS Pension Scheme are:
  - age 60 - under the 1995 section
  - age 65 - under the 2008 section
  - state pension age - under the 2015 scheme.
- The minimum retirement ages for members of the NHS Pension Scheme are:
  - age 50 - under the 1995 section, except for staff who joined or returned to the scheme after 6 April 2006 for whom the retirement is age 55
  - age 55 - under the 2008 section and 2015 scheme.

If early retirement is taken, benefits will be at a reduced level. This is because they are being paid earlier and for longer than expected.

- Under the 1995 section of the scheme, members of special classes (please see section 4 for definition) may choose to retire at any time from age 55 provided they meet the relevant criteria. Benefits are not reduced in these circumstances.
• Staff considering flexible retirement must discuss this with their line manager. Further information is given in sections 6.5 and 6.7.2.

• Staff may wish to apply to the NHS Pensions for retirement on the grounds of ill health if they become incapable of carrying out their duties on a permanent basis and no reasonable adjustments can be made or suitable alternative employment secured. Further information regarding this option can be obtained from the Attendance Management Policy, a copy of which can be obtained from the Trust’s document library.

• The provisions of section 16 of the AFC NHS terms and conditions will apply to staff members retiring early on the grounds of redundancy.

• Staff should bear in mind that NHS Pensions require at least four months’ notice of any payments required. It is the line manager’s responsibility to notify the Pensions Department of any retirement applications.

Types of Retirement

6.2. Age Retirement
Staff wishing to fully retire from work must request a meeting with their manager to discuss and confirm their plans, giving the appropriate notice so that arrangements (where relevant) can be set in motion to ensure their request for pension benefits can be processed in time. Staff will be expected to take all accrued outstanding annual leave prior to their leaving date.

6.3. Voluntary Early Retirement (VER)
Staff who are members of the NHS Pension scheme may opt to take VER at any time from the minimum pension age applicable to the section/scheme they are in, or have been a member of, provided they have at least two years’ membership. The minimum retirement age is 50* for members of the 1995 section and 55 for members of the 2008 section and 2015 scheme.

* For staff who joined the NHS Pension Scheme - 1995 section for the first time on or after 6 April 2006, or previously left the scheme before 31 March 2000 who deferred benefits and re-joined on or after 6 April 2006, the minimum retirement age is 55.

An estimate of benefits can be requested from the Pensions Department but the final figures will be calculated by NHS Pensions.

6.4. Ill Health Retirement
NHS Pension scheme members who become incapable of carrying out their duties on a permanent basis, and no reasonable adjustments can be made or suitable alternative employment secured, may wish to make an application for retirement on the grounds of ill health.

To be considered for ill health retirement a staff member of any age, full time or part time, must have:
• at least two years’ membership of the NHS Pension Scheme and the
• support for ill health retirement from either the Trust’s Occupational Health
  Department or their own GP/consultant.

Further information regarding this option can be obtained from the Trust’s Attendance
Management Policy, a copy of which can be accessed via the Trust’s document
library. Further information can also be obtained from the divisional HR Practitioner

6.5. Flexible Retirement

The Trust recognises the business case and benefits of offering staff, subject to the
needs of the service, the opportunity of taking flexible retirement. Experienced staff
often have a great deal to offer the Trust later in their careers, particularly in terms of
knowledge and skills, and flexible retirement can provide time for succession planning
to ensure continuity of Trust services. It also provides a greater choice for staff.

Flexible retirement options are open to all staff. Each request will be considered on its
merits taking into consideration the job role; the effect on the operation of the
department and service delivery, including the workforce planning issues facing the
department and Trust at the time; whether there are members of staff within the
Department, Division or Trust whose posts are at risk who could be considered for all
or part of the work; (where applicable) the precise provisions of the pension
sections/scheme of which they are a member, (sections 1995, 2008 or 2015 scheme);
and the needs of the service (including any opportunities that arise for service
improvement and development).

There may be circumstances when a request cannot be supported and the Trust
reserves the right to refuse a request for flexible retirement.

The range of flexible retirement options available within the NHS Pensions Scheme
include:

• pre-retirement wind down (a reduction in working hours)
• pre-retirement step down (to a less demanding role)
• retire and return:
  ❖ to the same post on reduced hours
  ❖ to a different post
  ❖ on an ad hoc basis via Kernowflex
• draw down (applicable to 2008 section and 2015 scheme members)
• late retirement (applicable to 2008 section and 2015 scheme members).

More detail about each option is given below but, in all cases, staff are encouraged to
contact the Pensions Department in order to clarify how their pension entitlement may
be affected, and/or to seek advice from an Independent Financial Advisor.

Please see Appendix 3 for some useful contact details and the flowchart on page 3 for
details of the Flexible Retirement Application Process.
6.5.1 Pre-retirement wind down (reduction in working hours)

Staff approaching retirement may wish to gradually reduce the number of hours they work in their current role and work fewer hours up to their actual retirement date.

If a reduction in hours is agreed, the staff member will be paid pro rata to the hours worked.

Staff who defer retirement and continue to work part-time can carry on building up pension entitlement.

Pension benefits for part-time staff are calculated on whole time equivalent pay (pro rata to hours worked). For example, a member of staff who continues to work 18.75 hours per week for two years would accrue one year of pension entitlement during that time.

6.5.2 Pre-retirement step down (less demanding role)

Staff approaching retirement may apply to step down to continue working in a less demanding role.

A step down may only take place on one occasion and can only occur where a vacancy exists or is being considered as part of a service change and the staff member is successful in being appointed as part of the normal Trust appointment process.

If appointment to a ‘step down’ role is agreed the staff member will be paid the appropriate rate for that post. If there is a reduction in working hours the staff member will be paid pro rata to hours worked.

Members of the NHS Pension Scheme (1995 section) who are over the minimum retirement age, and whose pay reduces by at least 10%, may apply for the pension rights earned at the higher level to be preserved. The application must be made within 15 months of the date the rate of pay is reduced. When a member retires, if they have one period of preserved service, two pensions will be calculated. A pension based on the preserved rate of pay* plus inflation increases for membership up to the date of preservation and a second pension for membership after that date will be calculated using pay* at retirement. If by retirement the protected pay plus inflation increases is not more beneficial, then the whole of the pension benefits will be calculated using pay* at retirement.

* The best of the last three years of pensionable pay.

6.5.3 Retire and return

Under the provisions of the NHS Pension Scheme staff have the option to retire from the Trust and take all their pensions benefits before returning to NHS employment.
However, it should be noted that there is no guarantee that an application will be approved and there is no automatic right for a retiree to return to their current or different role on a full or part-time basis.

Individuals who wish to retire and return to the same post will not need to apply for the post in open competition. However, managers will consider each case on its merits in line with the Trust’s Flexible Retirement Application Procedure (please see summary flow-chart on page 2 and section 6.7.2) taking into consideration the service, financial and workforce needs as well as any other information that may be relevant:

- the burden of additional cost
- any impact on the ability to meet service demand
- the ability to re-organise work among existing staff
- the ability to recruit additional staff
- whether there could be a detrimental impact on quality or performance
- whether there is likely to be sufficient work during the periods the employee wishes to work
- whether any organisational changes are planned and the potential impact.

Individuals who wish to retire and return to a different post will need to apply for the post in open competition in line with the Trust recruitment process.

Staff who wish to have increased flexibility about when they work may consider entering an agreement for the provision of bank services with Kernowflex.

6.5.4 Draw down - partial retirement (2008 section and 2015 scheme only)

This option is open to members of the 2008 section and 2015 scheme. Members may elect to partially retire and take some of their benefits whilst continuing in NHS employment. To do this, the staff member must have reached at least the minimum retirement age of 55 and have reduced their pensionable pay by at least 10%.

Members can take between 20% and 80% of their pension entitlement whilst continuing to build up future membership. 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.

6.5.5 Late Retirement (2008 section and 2015 scheme only)

Staff who remain in employment beyond the normal retirement age, and remain in the NHS Pension Scheme, may continue to earn benefits to age 75 or until they reach 45 years’ membership.
There are no provisions to increase benefits for members of the 1995 section if they are paid late but members of the 2008 section will have any pension earned before age 65 increased to take into account of the fact that it is being paid later than the normal retirement age.

Members of the 2015 scheme will have late retirement factors applied to all pension earned until retirement.

6.5.6 Early Retirement and Reduced Buy Out (2015 scheme only)

This new provision to the 2015 pension scheme arrangements allows staff – and/or their employer – to make additional contributions to the scheme that will allow staff to retire earlier than their state pension age without any early retirement reduction (although not more than three years earlier than an individuals’ state pension age and not allowing for a retirement age of less than 65 years old). Further details can be found on the NHS Pensions Agency website – http://www.nhsbsa.nhs.uk/pensions.

6.5.7 Rejoining the scheme after retirement (2008 section and 2015 scheme only)

Members of the 2008 section and the 2015 scheme are eligible to re-join the scheme after drawing their pension benefits, up to a maximum age limit of 75, and build a separate pension. Further information is available from the Pensions Department or the NHS Pensions Agency website – http://www.nhsbsa.nhs.uk/pensions.

6.6. Long Service Awards on Retirement

Previous employment with an NHS employer will count as reckonable service in respect of long service awards on retirement regardless of whether or not there has been a break in service, eg if a member of staff worked in the NHS for five years, left for two years and re-joined three years ago, their total reckonable service for long service awards purposes would be eight years.

Eligibility for any long service awards on retirement should be established by managers in line with the following arrangements. Staff who have:

- over 15 years’ NHS reckonable service are entitled to a cheque for £60
- over 20 years’ NHS reckonable service are entitled to a cheque for £90
- over 25 years’ NHS reckonable Service are entitled to a cheque for £125.

Where eligibility for a long service award is established, a copy of the completed resignation (R) form must be forwarded to the Personal Assistant for Corporate Services at the Trust’s Head Office in Bedruthan House by the line manager in a timely fashion to ensure arrangements for the appropriate award can be made.
6.7. Procedure

6.7.1 Age retirement and Voluntary Early Retirement
Staff who wish to retire must discuss their plans with their manager ideally giving them six months’ notice in writing of the date of retirement.

Managers must ensure that advance notification of retirement is sent to the Trust’s Pensions Department – at least four months in advance of the proposed last day of service (inclusive of any outstanding annual leave due) in writing or via e-mail. This amount of notice is required to ensure the application for retirement is processed in time for payment of pension benefits on the due date. Less notice could result in the delayed payment of pension benefits.

A Resignation (R) form must be completed and submitted by the line manager to the Payroll Department as soon as possible and preferably at least four months prior to the expected date of retirement.

Members of the NHS Pension Scheme can request pension quotes from the Trust’s Pensions Department via e-mail at RCHTPensionsEnquiries@Cornwall.NHS.UK or direct from the NHS Pensions Agency on 0300 3301 346.

NHS Pension Scheme members who plan to retire should complete and return the “Application for Retirement Benefits” (AW8) form as soon as possible. The form will be provided by the Trust’s Pensions Department as soon as they are notified of the intention to retire – normally via sight of the completed R-form. However, managers are encouraged to e-mail the department as soon they become aware of an individual’s proposed retirement.

A manager should ensure, wherever practicable, that staff who are due to retire have taken any outstanding accrued annual leave prior to their retirement date. If more annual leave has been taken than has been accrued, this should be detailed on the individual’s R form so that a deduction can be made from the staff member’s salary.

6.7.2 Flexible retirement including retire and return
Applications for flexible retirement should be made and dealt with in accordance with the flexible retirement procedure detailed on page 3.

Requests to move to part-time working, changing the pattern of their work or stepping down should not be unreasonably refused.

❖ Pre-retirement wind down and/or step down
Where a request to wind and/or step down has been agreed the line manager will need to detail the new arrangements on a Contract Amendment Form (CAF) and ensure the form is submitted to the Payroll Department without delay, with sufficient notice to ensure the new arrangements can be implemented in time for the proposed commencement date so that no over or underpayment is made.
NHS Pension Scheme (1995 section) members who are stepping down into a role that means their pay will reduce by 10% and are over the minimum retirement age, must inform the Pensions Department of the change so that a request for preserved benefits can be made. An application for preserved pension benefits must be made within 15 months of the date of the rate of pay being reduced. Staff members are strongly encouraged to contact the Trust’s Pensions Department for further information regarding this option.

- **Retire and return**

  Staff who wish to ‘retire and return’ must discuss their plans with their manager and submit an application to retire and return at least six months prior to the proposed date of retirement.

  Although all such requests will be considered, the Trust has no obligation to agree to individuals returning to work post retirement and no assurances should be given at this time. Each case will be considered on its own merits and must take account of service, financial and workforce needs. There is no guarantee, therefore, that the staff member will return on a substantive basis, to their current (or a different* role), on a full or part-time basis.

  * Where an individual wishes to retire and return to a different post, they will need to apply in open competition as per the Trust’s recruitment process.

  A Resignation (R) form must be completed and submitted by the line manager to the Payroll Department as soon as possible, and at least four months prior to the expected date of retirement, so the pension can be processed in time for payment to be made on the due date.

  NHS Pension Scheme members who plan to retire and return should complete and return the “Application for Retirement Benefits” (AW8) form as soon as possible. The form will be provided by the Trust’s Pensions Department as soon as they are notified of the intention to retire and return – normally via sight of the completed R-form. However, managers are encouraged to e-mail the Pensions Department as soon as they become aware of an individual’s intention to retire and return.

  Where it has been agreed under the Flexible Retirement Application procedure, via the Divisional Vacancy Review Group process, that a staff member can retire and return, the line manager should ensure that the Re-employing a retired member of staff form (Appendix 13) is completed and forwarded to the Recruitment Services Department so that arrangements for the re-appointment documentation (including any appropriate employment checks) can be made. The following conditions will apply to their re-appointment. Information regarding the conditions that will apply to medical and dental staff is set out in Appendix 4: Retire and return - senior medical staff.
There will need to be a minimum break of 14 continuous calendar days (excluding any paid annual leave) from the date of retirement to the date of re-engagement.

This will constitute a break in continuity of service with the Trust. The staff member will be issued with a new contract of employment and the date of commencement of continuous employment for statutory rights, and contractual reckonable service for the purposes of redundancy or any Mutually Agreed Resignation Scheme (MARS), will be the date the staff member returns to work.

Please note this break applies to the staff member’s contractual relationship with the Trust. This is different and separate to the breaks described under the NHS Pension Scheme which outlines the minimum breaks to be taken to avoid pension payments being suspended. The NHS Pension breaks are detailed below for completeness but all staff who retire from, and return to, the Trust will be required to take a minimum break of 14 continuous calendar days from the date of retirement to the date of re-engagement.

(NHS Pension Scheme - minimum breaks to avoid pension payment being suspended:

Members of the 1995 section - need to take a 24-hour break before returning back to employment and work 16 hours or less a week in the first calendar month.

Members of the 2008 section - who have taken all their pension entitlement need to take a 24-hour break.

Members of the 2015 scheme who have taken all their pension benefits will need to take a 24-hour break.

To ensure the above NHS Pension conditions are met members of the 1995 section, who return to work and wish to take the minimum break, will need to take a break of 14 continuous calendar days and, on re-commencement, work 16 hours or less for the remainder of the calendar month effective from the first day after the last day of service with the Trust.

Example: A member of the 1995 section whose last day of service is 9 March would need to take a 14 day continuous break from 10 March until 23 March. The member of staff would return to work on the 24 March and work 16 hours or less for the remainder of the calendar month i.e. until 9 April. They would then commence working the hours agreed for the re-employed role (if greater than 16 hours) from 10 April onwards.

Members of the 2008 section and 2015 scheme will need to take a break of two weeks and re-commence on the hours agreed for the re-employed role.
Former members of the 1995 section, who retire and take all their pension benefits, can no longer be members of the pension scheme. Members of the 2008 section and 2015 scheme can re-join the scheme after drawing their 2015 benefits up to a maximum age limit of 75.

Any outstanding annual leave must be taken prior to the retirement date as it cannot be carried over to the new contract of employment but all previous periods of service (aggregated as appropriate), in line with the Trust’s Annual Leave Policy, will be counted towards the staff member’s entitlement to annual leave.

Previous periods of service will count towards a staff member’s entitlement to sick leave where there has been a break or breaks in service of 12 months or less.

Payment on re-commencement will be set in accordance with the principles of the Trust’s Starting Salaries Policy (a copy of which is available on the Trust’s document library).

Staff who retire and are re-employed by the Trust will be subject to the following pre-employment checks:

- health check - this is only required when the period of break is three months or more or where the individual is returning to a role which involves a significant change of duties

- disclosure and barring check - where applicable unless the individual has had a check within the last 36 months which remains fit for purpose, i.e. at the correct level. (Please refer to the Trust’s Disclosure and Barring Checks Policy)

- right to work (in relation to immigration status)

- verification of identity

- qualifications required for the post

- professional registration (where applicable) in accordance with the Trust’s Professional Registration Policy.

**IT Access**

Line managers should contact the CITS Service help desk to advise them of a staff member’s proposed retirement and return to work so that discussions can take place about the detail of that return and the possible immediate re-granting of previous IT access rights to the staff member (providing the individual is returning to the same role, duties and responsibilities).
Security Card
Line managers should advise the ID Badge Service, via the following email address (ID.Badge.Service@cornwall.nhs.uk) of a staff member's proposed retirement date so that their ID security card can be de-activated for the period of the staff member's break in service. Re-activation of the card (and associated access rights) will be dependent on the receipt of confirmation from the line manager that the staff member has returned to work and the level of access required.

7. Dissemination and Implementation

7.1 A copy of the policy will be stored electronically in the HR section of the Trust's document library on the internet/intranet site.

7.2 A copy of the policy will be circulated to members of the HR Practitioner Teams, and the Payroll/Pensions Department to enable them to participate in and support the implementation of the policy.

7.3 A clear communication will be sent to managers to make them aware that the policy has been issued and that they are responsible for cascading the information to their staff members, including staff members who do not have regular access to e-mail.

7.4 The Trust’s Directors and Chairs of both Staff Side Committees (JCNC and JLNC) will be advised of the issue of the new policy.

7.5 Information to promote awareness of the revised policy will also be included in the Daily Bulletin which is circulated to all staff.

8. Monitoring compliance and effectiveness

<table>
<thead>
<tr>
<th>Element to be monitored</th>
<th>Number of staff retiring in a rolling year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of approved flexible retirement requests</td>
</tr>
<tr>
<td>Lead</td>
<td>Deputy Director of HR and OD</td>
</tr>
<tr>
<td>Tool</td>
<td>ESR</td>
</tr>
<tr>
<td>Frequency</td>
<td>Annually</td>
</tr>
<tr>
<td>Reporting arrangements</td>
<td>Heads of HR, Operational Workforce Group (OWG), People and Organisational Development (POD)</td>
</tr>
<tr>
<td>Acting on recommendations and Lead(s)</td>
<td>The Deputy Director of HR and OD will ensure subsequent recommendations are undertaken including the development of an action plan for any deficiencies within an agreed time frame.</td>
</tr>
<tr>
<td>Change in practice and lessons to be shared</td>
<td>Any system improvements agreed via the action planning process will be actioned in partnership with Staff Side within six months. Lessons will be shared with all the relevant stakeholders. Any revision to policy will be communicated to staff.</td>
</tr>
</tbody>
</table>

9. Updating and Review
The policy will be reviewed every three years or earlier in view of developments which may include legislative changes, national policy instruction (NHS or Department of Health), Trust Board decision, or request by either party.
10. Equality and Diversity

10.1 General Statement
The Royal Cornwall Hospitals NHS Trust is committed to a Policy of Equal Opportunities in employment. The aim of this policy is to ensure that no job applicant or employee receives less favourable treatment because of their race, colour, nationality, ethnic or national origin, or on the grounds of their age, gender, gender reassignment, marital status, domestic circumstances, disability, HIV status, sexual orientation, religion, belief, political affiliation or trade union membership, social or employment status or is disadvantaged by conditions or requirements which are not justified by the job to be done. This policy concerns all aspects of employment for existing staff and potential employees.

10.2 Equality Impact Assessment
As part of its development this policy has been reviewed in line with the Trust’s Equality Impact Assessment process. The purpose of this assessment is to identify and reduce or, if possible, remove any unfair disproportionate impact on individuals who come in to contact with the Trust (i.e. employees, patients, visitors and members of the community) on the grounds of their ‘protected characteristics’ (formerly ‘diversity strands’).

In accordance with legislation, the default retirement age has been removed. The Trust has chosen not to have a compulsory retirement age and this, together with the flexibility options available, will enable older staff to have a greater choice and flexibility over the age at which they choose to retire.

The Initial Equality Impact Assessment Screening Form is at Appendix 2.
## Appendix 1. Governance Information

<table>
<thead>
<tr>
<th>Document Title</th>
<th>Retirement Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Issued/Approved:</td>
<td>27 October 2014</td>
</tr>
<tr>
<td>Date Valid From:</td>
<td>31 October 2017</td>
</tr>
<tr>
<td>Date for Review:</td>
<td>31 October 2020</td>
</tr>
<tr>
<td>Directorate / Department responsible (author/owner):</td>
<td>Helen Strickland HR Business Partner</td>
</tr>
<tr>
<td>Contact details:</td>
<td>01872 252649</td>
</tr>
<tr>
<td>Brief summary of contents</td>
<td>The policy sets out the key principles for ensuring all staff retiring from the Trust are aware of the options available to them and are given the support to make preparation for their retirement.</td>
</tr>
<tr>
<td>Suggested Keywords:</td>
<td>Retirement, flexible retirement, retire and return, wind down, step down, early retirement, voluntary early retirement, ill health retirement</td>
</tr>
<tr>
<td>Target Audience</td>
<td>RCHT</td>
</tr>
<tr>
<td>Executive Director responsible for Policy:</td>
<td>Director of Human Resources and Organisational Development</td>
</tr>
<tr>
<td>Date revised:</td>
<td>October 2017</td>
</tr>
<tr>
<td>This document replaces (exact title of previous version):</td>
<td>Retirement Policy</td>
</tr>
<tr>
<td>Approval route (names of committees)/consultation:</td>
<td>JCNC</td>
</tr>
<tr>
<td>Divisional Manager confirming approval processes</td>
<td>Deputy Director of Human Resources and OD</td>
</tr>
<tr>
<td>Signature of JCNC Chair Suzanne Grice- Renault/</td>
<td>Original signed</td>
</tr>
<tr>
<td>Signature of Executive Director giving approval</td>
<td>Original signed</td>
</tr>
<tr>
<td>Publication Location (refer to Policy on Policies – Approvals and Ratification):</td>
<td>Internet &amp; Intranet</td>
</tr>
<tr>
<td>Document Library Folder/Sub Folder</td>
<td>HR</td>
</tr>
</tbody>
</table>
## Links to key external standards

- Annual Leave Policy
- Attendance Management Policy
- Disclosure and Barring Checks Policy
- Equality, Inclusion and Human Rights Policy
- Flexible Working and Work-Life Balance Policy
- Leavers Form
- Medical and Dental Terms and Conditions
- NHS Terms and Conditions of Service
- Performance and Development Review Policy
- Professional Registration Policy
- Recruitment Policy
- Starting Salaries Policy

### Related Documents:

- Annual Leave Policy
- Attendance Management Policy
- Disclosure and Barring Checks Policy
- Equality, Inclusion and Human Rights Policy
- Flexible Working and Work-Life Balance Policy
- Leavers Form
- Medical and Dental Terms and Conditions
- NHS Terms and Conditions of Service
- Performance and Development Review Policy
- Professional Registration Policy
- Recruitment Policy
- Starting Salaries Policy

## Version Control Table

<table>
<thead>
<tr>
<th>Date</th>
<th>Version No</th>
<th>Summary of Changes</th>
<th>Changes Made by (Name and Job Title)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sept 2014</td>
<td>V1.0</td>
<td>New Policy</td>
<td>Helen Strickland HR Business Partner</td>
</tr>
<tr>
<td>April 2015</td>
<td>V1.1</td>
<td>Amended to take into consideration the introduction of the NHS Pension 2015 scheme. Section 6.7.2. and Appendix 14 - clarification regarding the ‘break in service’ and ‘reduced hours working’ required as part of the <em>Retire and Return</em> process (NHS Pension 1995 section members only).</td>
<td>Helen Strickland HR Business Partner and Isabelle Pridmore Pensions Manager</td>
</tr>
<tr>
<td>August 2015</td>
<td>V1.2</td>
<td>Minor amendments to meet governance and compliance requirements re hyperlinks, etc.</td>
<td>Helen Strickland HR Business Partner</td>
</tr>
<tr>
<td>Oct 2017</td>
<td>V1.3</td>
<td>Updated and amended taking into consideration DoH publication entitled Re-employment of staff in receipt of NHS Pension Scheme benefits – Guidance for employers and staff (July 2017)</td>
<td>Helen Strickland HR Business Partner</td>
</tr>
</tbody>
</table>
Appendix 2. Initial Equality Impact Assessment Form

<table>
<thead>
<tr>
<th>Name of the strategy / policy / proposal / service function to be assessed (hereafter referred to as <strong>policy</strong>)</th>
<th>(Provide brief description): Retirement Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directorate and service area:</td>
<td>Is this a new or existing Policy?</td>
</tr>
<tr>
<td>Human Resources</td>
<td>Existing</td>
</tr>
<tr>
<td>Name of individual completing assessment: Helen Strickland</td>
<td>Telephone: 01872 252649</td>
</tr>
</tbody>
</table>

1. **Policy Aim**
   - Who is the strategy / policy / proposal / service function aimed at?
   - The policy is designed to assist staff members who are considering or have taken the decision to retire from the Trust. It sets out the procedure that managers and staff will follow when considering the option of retirement, including flexible retirement.

2. **Policy Objectives**
   - Staff are aware of the options available to them and the support they can expect from management.

3. **Policy – intended Outcomes**
   - Supports staff making the transition to retirement.
   - Gives staff greater choice over when they retire.
   - Recognition of the business case benefits and contribution older employees can make to service provision.

4. **How will you measure the outcome?**
   - Please refer to Section 8 of the policy, *Monitoring compliance and effectiveness*.

5. **Who is intended to benefit from the policy?**
   - Staff, the Trust

6a) **Is consultation required with the workforce, equality groups, local interest groups etc. around this policy?**
   - Yes

   b) **If yes, have these *groups been consulted?**
   - Yes

   C. **Please list any groups who have been consulted about this procedure.**
   - JCNC

7. **The Impact**
   - Please complete the following table.

<table>
<thead>
<tr>
<th>Equality Strands</th>
<th>Yes</th>
<th>No</th>
<th>Rationale for Assessment / Existing Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Age</strong></td>
<td>✓</td>
<td></td>
<td>In accordance with legislation, the default retirement age has been removed. The Trust has chosen not to have a...</td>
</tr>
</tbody>
</table>

Retirement Policy
compulsory retirement age and this, together with the flexibility options available, will enable older staff to have a greater choice and flexibility over the age at which they choose to retire.

| Sex (male, female, trans-gender / gender reassignment) | ✓ |
| Race / Ethnic communities /groups | ✓ |
| Disability - learning disability, physical disability, sensory impairment and mental health problems | ✓ NHS Pension Scheme members with the required service, who have a disability affecting their ability to regularly attend or to undertake the duties of their role (with or without reasonable adjustments), are eligible to also/or apply for ill health retirement. |
| Religion / other beliefs | ✓ |
| Marriage and civil partnership | ✓ |
| Pregnancy and maternity | ✓ |
| Sexual Orientation, Bisexual, Gay, heterosexual, Lesbian | ✓ |

You will need to continue to a full Equality Impact Assessment if the following have been highlighted:

- You have ticked “Yes” in any column above and
- No consultation or evidence of there being consultation - this excludes any policies which have been identified as not requiring consultation. or
- Major service redesign or development

8. Please indicate if a full equality analysis is recommended.  

| Yes | No | ✓ |

9. If you are not recommending a Full Impact assessment please explain why.

All protected characteristics have been assessed by this tool.

Apart from the additional positive impact on the above protected characteristics, the policy applies to all staff. There is no evidence or reason to believe that any group of staff will be more or less likely to use the policy or be treated more or less favourably as a result.

Signature of policy developer/lead manager/director: Helen Strickland

Date of completion and submission: August 2017

Names and signatures of members carrying out the Screening Assessment: 1. Helen Strickland.

HR BP for Policies

Keep one copy and send a copy to the Human Rights, Equality and Inclusion Lead, c/o Royal Cornwall Hospitals NHS Trust, Human Resources Department, Knowledge Spa, Truro, Cornwall, TR1 3HD. A summary of the results will be published on the Trust’s web site.
Appendix 3. Further information and useful contacts

**RCHT Pensions Department**
Tel: 01872 258420  
RCHT.PensionsEnquiries@cornwall.nhs.uk

**NHS Pensions**  [www.nhsbsa.nhs.uk/pensions](http://www.nhsbsa.nhs.uk/pensions)
Hesketh House, 200/220 Broadway, Fleetwood, Lancashire, FY7 8LG  
Tel: 03003301346

**NHS Retirement Fellowship**

Membership of the NHS Retirement Fellowship is open to retired NHS workers and also those nearing retirement whatever their age. National membership of the fellowship (for which there is a small annual fee) offers a package of benefits including financial discounts and reductions. For further information visit [www.nhsrf.org.uk](http://www.nhsrf.org.uk) or if you are interested in joining please contact them direct on their free membership number: 0800 9151455.
Appendix 4. Retire and return - senior medical staff

Introduction

All staff can apply to retire and return to work with the Trust. There are some issues which concern senior medical staff only and these are set out below.

Procedure

Retire and return is at the Trust’s sole discretion based on the requirements of the service.

In each case a retire and return contract will be drawn up for signature by the Chief Operating Officer (COO) and the consultant which sets out the terms which will apply.

In the first instance the request to retire and return must be discussed with the Clinical Director and Associate Director. The decision will need to consider a full range of factors including:

- is there a need to provide the service in the future in its current form or could it be provided in a different way?
- if a change in the service is appropriate, how will this impact on the member of staff making the application?
- are there any staff whose post is at risk who could be considered for all or part of the work?

Following agreement in principle within the division the terms of the agreement will be sent to authorisation to the Director of Operations/Chief Operating Officer (COO) or Deputy Chief Operating Officer.

Terms of the agreement

There will need to be a break of 14 continuous calendar days (excluding any paid annual leave) from the date of retirement to the date of re-engagement.

A job plan will be required as part of the ‘retire and return’ agreement.

Payment will be at the pre-retirement pay rate (pro rata to PAs) excluding any local or national excellence or merit awards

SPAs will be agreed in advance and will be subject to a maximum of 1.5 PAs per week. Any study leave provision will be agreed as part of the agreement.

The pre-retirement appraisal date will be retained and as applicable the revalidation date will be retained.

Staff members who retire and are re-employed by the Trust will be subject to the following pre-employment checks:
• Occupational Health - this is only required when the period of break is three months or more or where the individual is returning to work in a different role
• DBS check - where applicable unless the individual has had a check within the last 36 months which remains fit for purpose i.e. at the correct level
• right to work
• verification of identity
• qualifications required for the post
• professional registration and revalidation

Staff returning after a break in service will be required to comply with the statutory pension auto-enrolment arrangements.
Appendix 5. Application form

Form FR(A): Flexible Retirement Application Form

**Note to the member of staff**
You can use this form to make an application for flexible retirement. You should note that it may take up to two months to consider a request before it can be implemented and possibly longer where difficulties arise. You should therefore ensure that you submit your application to the appropriate manager well in advance and at least six months prior to the date you wish the request to take effect.

It will help the Trust, via your manager, to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application cannot be processed. When completing sections 3 & 4, think about what effect your change in working pattern will have both on the work that you do and that of your colleagues. Further assistance with the completion of the form can be obtained from your manager, trade union/professional body representative or local Human Resources team.

Once you have completed the form, you should immediately forward it to your manager (you might want to keep a copy for your own records). Your manager will then have 21 days after the day your application is received in which to arrange a meeting with you to discuss your request.

**Note to the manager**
This is a formal application for staff to apply for flexible retirement. You have 21 days from the day you receive this application in which to either agree to the request or arrange a meeting with your employee to discuss their request. You should confirm receipt of this application using the attached confirmation slip.

Forms accompanying the guidance have been provided for you to respond to this application.

### Part 1

1. **Personal Details**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Job Title:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Manager:</th>
<th>National Insurance Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department:</th>
<th>Division:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact No: (Work)</th>
<th>(Home)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of birth:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

*Do you intend to continue making contributions to the NHS Pension Scheme?    Yes [ ] No [ ]

* Not applicable if Retire and Return

2. **Flexible Retirement Options**

Please highlight below the flexible retirement option that you are requesting:

- Wind down (reduction in working hours) [ ]
- Step down (into a less demanding role) [ ]

Retire and return:
- Same job [ ]
- Different job [ ]
- Kernowflex [ ]

Please note that retire and return is not an absolute right and a return, and the basis for it, is subject to the business needs and approval of the Trust.
3a. Describe your current working pattern (days/hours/times worked)

3b. Describe the working pattern that you would like to request (days/hours/times worked). If you are applying to retire and return, please detail what role/band/hours you wish to return to.

3c. I would like this working pattern to commence from: ____________________________  Date: ____________________________

4. Impact of the new working pattern
   I think this change in my working pattern will affect the department and colleagues as follows:

5. Accommodating the new working pattern
   I think the effect on the department and colleagues can be dealt with as follows:

6. Business case for retire and return
   Please detail the business reasons and benefits in support of your application to retire and return to work e.g.: retention of knowledge and skills, succession planning, impact on quality and service delivery.

I am aware of the implications this request will have on the terms and conditions of my employment and understand the obligations and responsibilities under the Trust’s Retirement Policy. I understand that I should speak to the Trust’s Pensions Department and/or an independent financial advisor for information and/or advice on the pension implications.

Name: ____________________________  Date: ____________________________

Now pass this application to the appropriate manager
To be completed by the manager for submission to the Associate Director, Clinical Director, Head of Service or Executive Director for consideration/approval.

### Part 2

I have considered the request to flexibly retire and I advise the Associate Director, Clinical Director and/or Head of Service, Executive Director that I wish to support this request.

I recommend that the new working arrangements will be as follows:

I recommend that the new working arrangements commence from:

In the case of a reduction in working hours, I intend to cover the remaining duties in the following way:

**OR:**

I am unable to support the request to flexibly retire under the following business grounds:

- [ ] burden of additional cost
- [ ] detrimental effect on ability to meet service demand
- [ ] inability to re-organise work among existing staff
- [ ] inability to recruit additional staff
- [ ] detrimental impact on quality
- [ ] detrimental impact on performance
- [ ] insufficiency of work during the periods the employee proposes to work
- [ ] planned structural changes.

Signature: __________________________ Date: __________________________

Name: __________________________ Job Title: __________________________

Now pass this application to the appropriate Associate Director, Clinical Director, Head of Service or Executive Director so that the application can be considered as part of their local VRG process.

### Part 3

For completion by the Associate Director, Clinical Director, Head of Service or Executive Director

Request supported: YES NO If yes, date VRG process completed: __________________________

If no, reason(s):

Signature: __________________________ Date: __________________________

Name: __________________________ Job Title: __________________________

Please return this completed form to the manager who completed Part 2.
Appendix 6. Manager’s confirmation of receipt

Manager’s confirmation of receipt (to be completed and returned to your member of staff)

Dear: 

I confirm that I received your request on 

I shall be arranging a meeting to discuss your application for flexible retirement within 21 days from this date. In the meantime you may wish to consider whether you would like to be accompanied at the meeting by a Trade Union Representative, Professional Body Representative or work colleague (who should not be a family member).

From: 

Appendix 7. Application Acceptance Form

Form FR(B): Flexible Retirement Application Acceptance Form

**Note to the manager**
You must write to your member of staff within 7 days of the date of the meeting with your decision. The manager should use this form when accepting an application for flexible retirement. Please note that Form FR(C): Flexible Retirement Application Rejection Form should be used if the employee’s working arrangements cannot be changed or application for retire and return cannot be supported.

Dear [Name] [Job Title]

Following receipt of your application and our meeting on: [Date]

I have considered your request for flexible retirement.

- [ ] I am pleased to confirm that I am able to accommodate your application.
- [ ] I am unable to accommodate your original request. However, I am able to offer the alternative pattern, which we have discussed, and you agreed would be suitable to you.

Your new working pattern will be as follows:

[Insert pattern]

Your new working arrangements will begin from: [Date]

**Note to the member of staff**
Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment and you have no right in law to revert back to your previous working pattern. Notwithstanding this, your flexible retirement arrangement will be regularly reviewed by your manager on an annual basis.

If you have any questions on the information provided on this form, please contact me to discuss them as soon as possible.

[Name] [Date]

Now return this form to your member of staff.
Appendix 8. Rejection form

**Form FR(C): Flexible Retirement Application Rejection Form**

**Note to the Manager**

You must write to your member of staff within 7 days of the meeting with your decision. This form should be completed by you when declining an application. Before completing this form you must ensure that full consideration has been given to the application. You must state the business ground(s) as to why you are unable to agree flexible retirement (including retire and return) and the reasons why the ground(s) applies in the circumstances. A list of the permissible business grounds under which a request may be refused are detailed below.

<table>
<thead>
<tr>
<th>Dear</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Following receipt of your application and our meeting on: Date 
I have considered your request for flexible retirement.

I am sorry but I am unable to accommodate your request for the following business ground(s):

- burden of additional cost
- detrimental effect on ability to meet service demand
- inability to re-organise work among existing staff
- inability to recruit additional staff
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the periods the employee proposes to work
- planned structural changes.

The grounds apply in the circumstances because:

(You should explain why any other options you may have discussed at the meeting are also inappropriate. Please continue on a blank sheet if necessary.)

If you are unhappy with the decision you may appeal against it. Details of the appeal procedure are set out overleaf.

<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The Appeal Process

To the member of staff
If your manager turns down your request for flexible retirement, you have the right to appeal against the decision. If you wish to appeal you must write to the appropriate manager setting out the grounds for your appeal within 7 days of receiving written notice of their decision. Your trade union/professional body representative might be able to help you in formulating your appeal.

To the manager
If you reject your member of staff’s request for flexible retirement they have the right to appeal against your decision. If your member of staff appeals against your decision to refuse a request for flexible retirement, you must arrange a meeting with them to discuss the appeal within 14 days of receiving the appeal letter.

After the meeting has been held, you must write to the member of staff within 7 days to notify them of the outcome of the appeal.

Now return this form to the member of staff
### Appendix 9. Appeal form

#### Form FR(D): Flexible Retirement Appeal Form

**Note to the member of staff**

If your application has been refused, you may appeal against your manager’s decision. You can use this form to make your appeal. You should set out the grounds on which you are appealing, and do so within 7 days of receiving written notice that your application for flexible retirement has been turned down. Your trade union/professional body representative might be able to help you in formulating your appeal.

**Note to the manager**

This is an appeal made against the decision to refuse an application for flexible retirement. You have 14 days following receipt of this form in which to arrange a meeting with your employee to discuss their appeal. Form FR (E) Flexible Retirement Appeal Reply Form, for use when responding to this appeal, is provided (see Appendix 10).

---

**Dear**

I wish to appeal against your decision to refuse my application for flexible retirement. I am appealing on the following grounds:

(please continue on a blank sheet if necessary).

**Name**  
**Date**

---

Now return this form to your manager.
Appendix 10. Appeal reply form

Form FR(E): Flexible Retirement Appeal Reply Form

Note to the manager
You may complete this form when replying to an appeal that an application to retire flexibly has not been properly considered. You must return this form to your member of staff, giving notice of your decision, within 7 days of the meeting at which you both discussed the appeal. If you decide to turn down the appeal, you must state the grounds for your refusal.

Dear

Following our meeting on: Date
I have considered your appeal against the decision to refuse your application to take flexible retirement.

I accept your appeal against the decision. I am therefore able to accommodate your original request to change your working pattern as follows:

Your new working arrangements will begin from: Date

Note to the member of staff
Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment and you have no right in law to revert back to your previous working pattern. Notwithstanding this, your flexible retirement arrangement will be regularly reviewed on an annual basis.

I am sorry but I must reject your appeal for the following ground(s):

The ground(s) apply because:

(please continue on a separate sheet if necessary)

Name

Date

Now return this form to your member of staff
Appendix 11. Extension of time limit form

Form FR(F): Flexible Retirement Extension of Time Limit Form

Note to the manager
This form is provided for you to complete when confirming agreement with your member of staff that you wish to extend a time limit for part of the procedure from that set out in the Retirement Policy.

You may extend the time limit for any part of the process providing your member of staff agrees to the extension.

Dear [Recipient's Name]

I wish to extend the amount of time that the Retirement Policy allows me to:

- [ ] arrange a meeting to discuss your application (21 days)
- [ ] notify you of my decision regarding your application (7 days)
- [ ] arrange a meeting to discuss the appeal (14 days)
- [ ] notify you of my decision regarding your appeal (7 days)

I wish to extend the time limit to [Number of Days] days. This means that I will have until [Date] to complete the necessary action. I need the extra time for the following reason:

If you agree to this extension, please complete the slip below and return it to me.

Signed [Signature] Date [Date]

Now pass this application to your member of staff

Note to the member of staff
To allow proper consideration of your request, your manager may wish to extend the permitted time limit for any part of the process. Your manager will need your agreement to any extension of the time limit. If you agree to the above request, please complete the agreement slip below and return it to your employer.

Cut this slip off and return it to your manager in order to confirm your acceptance of their request.

Member of staff’s agreement to time extension (to be completed and returned to manager).

Dear [Manager’s Name]

I accept your request to extend the amount of time to [Number of Days] days.

Signed [Signature] Date [Date]
Appendix 12. Notice of withdrawal form

Form FR(G): Flexible Retirement Notice of Withdrawal Form

Note to the member of staff
This form provides notification to your manager that you wish to withdraw your application to take flexible retirement.

Dear [Name],

I wish to withdraw my application to take flexible retirement which I submitted on [Date].

Name [Name] Date [Date]

Now return this form to your manager

Note to the manager
Once your member of staff has completed this form and returned it to you, the application is considered as withdrawn and you are not required to give it any further consideration.

You should complete the slip below and return it to your member of staff to confirm your receipt of the withdrawal notice.

Cut this slip off and return it to your member of staff in order to confirm your receipt of their withdrawal notice.

Member of staff’s confirmation of withdrawal (to be completed and returned to member of staff)

Dear [Name],

I confirm that I have received notice that you wish to withdraw your application for flexible retirement which you submitted to me on: [Date].

From [Name] Date [Date]
Appendix 13. Re-employing a retired member of staff

Re-employing a retired member of staff

Once it has been agreed under the Flexible Retirement Application procedure, via the divisional Vacancy Review Group process, that a staff member can retire and return, the line manager should ensure this form is completed, signed and forwarded to Recruitment Services, Lamorna House, Royal Cornwall Hospital so that arrangements to issue the re-appointment documentation can be made.

<table>
<thead>
<tr>
<th>Personal details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff member’s name:</td>
</tr>
<tr>
<td>Home address:</td>
</tr>
<tr>
<td>Date of birth:</td>
</tr>
<tr>
<td>National insurance number:</td>
</tr>
<tr>
<td>Date of leaving the Trust:</td>
</tr>
<tr>
<td>Contact telephone number:</td>
</tr>
<tr>
<td>E-mail address:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Return details</th>
</tr>
</thead>
<tbody>
<tr>
<td>All members of staff returning to work after retirement will be required to take a minimum break of at least 14 continuous calendar days from the date of retirement to the date of re-engagement. This break applies to the contractual relationship with the Trust and is different and separate to the breaks described under the NHS Pension Scheme (described below) which outline the minimum breaks to be taken to avoid pension payments being suspended.</td>
</tr>
</tbody>
</table>

**NHS Pension Scheme – minimum breaks to avoid pension payment being suspended:**

*Members of the 1995 section –* are required to take a 24-hour break before returning back to employment and work 16 hours or less a week in the first calendar month.

*Members of the 2008 section and 2015 scheme –* who have taken all their pension entitlement, are required to take a 24-hour break.

To ensure the NHS Pension Scheme conditions are met, members of the 1995 section of the scheme who return to work and wish to take the minimum break will need to take a break of 14 continuous calendar days and, on re-commencement, work 16 hours or less for the remainder of the calendar month effective from the day after the last day of service on return prior to working the hours agreed for the re-employed role (if greater). Please see section 6.7.2 ‘Flexible retirement including retire and return’ for worked example.

Members of the 2008 section and 2015 scheme who have taken all their pension entitlement and wish to take the minimum break will need to take a break of 14 continuous calendar days and can then re-commence on the hours agreed for the re-employed role.
Date of return to the Trust: 

Job title: 

Department/ward/base/hospital (full details please): 

Band:  
Salary:  
Budget no:  

Contracted hours/week:  

Substantive/Fixed Term  
If fixed term, length  

Please note: employment checks may be required. Recruitment Services will advise managers on requirements following receipt of this form.

**IT access**

Line managers should contact the CITS service help desk to advise them of a staff member’s proposed retirement and return to work so that discussions can take place about the detail of that return and the possible immediate re-granting of previous IT access rights to the staff member (providing the individual is returning to the same role, duties and responsibilities).

**Security card**

Line managers should advise the ID Badge Service via the following e-mail address, ID.Badge.Service@cornwall.nhs.uk, of a staff member’s proposed retirement date so that their ID security card can be de-activated for the period of the staff member’s break in service. Re-activation of the card (and associated access rights) will be dependent on the receipt of confirmation from the line manager that the staff member has returned to work and the access rights required.

I confirm that the flexible retirement application has been agreed by the appropriate Associate Director, Clinical Director, Head of Service or Executive Director as part of the local VRG process.

I confirm that an R-form has been raised and sent to the Payroll Department.

Signed:  
Job title:  

Please print full name:  

Telephone number:  

Date:  

Please arrange for this form to be counter-signed by the appropriate Associate Director, Clinical Director, Head of Service or Executive Director before forwarding it to: 

Recruitment Services, 1st Floor, Lamorna House, 
Royal Cornwall Hospitals Trust, Truro TR1 3LJ

I confirm this request is supported and approved by the appropriate Vacancy Review Group.

Signed:  
Job title:  

Please print full name:  

Date:  

Retirement Policy