

**Policy and Procedure on employment of people aged 65 or over  
To be applied from 1<sup>st</sup> April 2007  
For transitional arrangements see Appendix 1 and 2**

**Retirement Age**

In line with the Employment Equality (Age) Regulations 2006, the Council has adopted a default retirement age of 65.

**Notification of retirement date**

Employees will be sent a letter 6 to 12 months before retirement age informing them that they will be retired from the Council's service, the day before their 65<sup>th</sup> birthday. The letter will also inform the employee that if he/she wishes to work beyond 65 he/she has the right to request this a minimum of 3 months before the retirement date, in line with the procedure below.

Managers have a duty to consider each request to continue working and must take all circumstances into consideration including the possibility that a post might be particularly difficult to fill.

**Current employees**

**Procedure**

Any employee who wishes to work beyond 65 must follow the procedure below:

- The employee must write to his/her manager stating the reasons why he/she wishes to continue working and the proposed time-scale
- The manager must meet with the employee within a reasonable time-scale to discuss the request. The employee may be accompanied by a co-worker or Trade Union representative if he/she wishes
- The manager will then forward the request to his/her Head of Service/Senior Manager after adding any views and comments. The Head of Service/Senior Manager will make a final decision
- The manager will write to the employee to inform him/her of the decision, giving brief reasons if the request is refused. If it has been agreed to extend the employee's service, the manager must state the new retirement date in the letter
- In the event that the Head of Service/Senior Manager makes the decision not to allow the employee to continue working beyond 65, or agrees to an extension that is shorter than the original request, the employee has the right of appeal to the appropriate Director. This must be made in writing within 14 days of the date of the letter notifying the decision

- The Director, supported by an HR Officer, will meet with the employee who may be accompanied by a co-worker or Trade Union representative, if wished. The decision of the Director will be based on all available information and will be final
- If at a later date an employee wants to further extend his/her employment, the process must be repeated.

### **Flexible retirement**

There may be situations where employees, who are aged 65 or older, would like to 'flexibly retire'. This means that an employee, may 'retire' from his/her post and receive his/her Local Government pension and continue working for the Council on reduced hours.

In the event that an employee would like to 'flexibly retire', he/she must follow the procedure above giving details of proposed working hours.

Before deciding to 'flexibly retire', employees should first consider that if they delay drawing their pension beyond age 65 the element of their pension accrued up to age 65 would be increased. This means that **any increase in pension will not apply in the event of an employee 'flexibly retiring' i.e. drawing his/her pension at age 65 and continuing working for the Council on reduced hours.**

Flexible retirement will not affect an employee's continuity of employment.

When considering flexible retirement, employees are encouraged to discuss this with Serco Pensions.

### **Recruiting employees who are aged 64.5 and over**

When applicants apply for jobs with the Council they will receive a letter that informs them that the Council's retirement age is 65 and that it is not usual practise to engage new employees who are within six months of retirement.

Applicants will also be informed that if they still wish to be considered they must write giving reasons why they wish to be employed beyond 65 and the proposed time-scale.

### **Procedure**

In situations where a manager receives such a request, he/she must follow the procedure below:

- The manager will check to see if the employee meets the essential criteria on the person specification in order to qualify to be shortlisted
- If the applicant does not qualify to be shortlisted, he/she should be informed in the usual way

- If the applicant does qualify to be shortlisted, the manager will forward the written request to work beyond 65 to his/her Head of Service/Senior Manager after adding any views and comments. The Head of Service/Senior Manager will make a decision which will be final and there will be no right of appeal
- If it is agreed that the employee may be considered for the post, the Council's Recruitment and Selection Procedure will be applied in the usual way. In the event that the employee is appointed following interview, a retirement date will be agreed, which must be quoted in the Written Particulars of Employment
- If at a later date the employee wishes to extend his/her employment beyond the original retirement date, the procedure for current employees must be followed.

**Retirements due to take place between 1<sup>st</sup> October 2006 and  
1<sup>st</sup> April 2007, where notice must be given *before*  
1<sup>st</sup> October 2006**

The transitional arrangements below must be followed in order to ensure that a retirement dismissal is considered to be fair.

**Notice Periods**

Employees are usually entitled to receive a notice period of whichever is the greater of **either** their contractual notice (usually 1 or 2 months) or the minimum statutory notice (i.e. 1 week for each year of continuous employment up to a maximum of 12 weeks).

**Notification of retirement date**

A letter will be sent to employees informing them that they will be retired from the Council's service on the day before their 65<sup>th</sup> birthday. Employees must receive no less than their contractual notice period, The letter will also inform the employee that if he/she wishes to work beyond 65 he/she has the right to request this in line with the procedure below.

Managers have a duty to consider each request to continue working and must take all circumstances into consideration including the possibility that a post might be particularly difficult to fill.

**Procedure**

Any employee who wishes to work beyond 65 must follow the procedure below:

- The employee must write to his/her manager stating the reasons why he/she wishes to continue working and the proposed time-scale. The employee must do this as early as possible but no later than 4 weeks after his/her retirement date
- The manager must meet with the employee within a reasonable time-scale to discuss the request. The employee may be accompanied by a co-worker or Trade Union representative if he/she wishes
- The manager will then forward the request to his/her Head of Service/Senior Manager after adding any views and comments. The Head of Service/Senior Manager will make a final decision
- The manager will write to the employee to inform him/her of the decision, giving brief reasons if the request is refused. If it has been agreed to extend the employee's service, the manager must state the new retirement date in the letter

- In the event that the Head of Service/Senior Manager makes the decision not to allow the employee to continue working beyond 65, or agrees to an extension that is shorter than the original request, the employee has the right of appeal to the Director. This must be made in writing within 14 days of the date of the letter notifying the decision
- The Director, supported by an HR Officer, will meet with the employee who may be accompanied by a co-worker or Trade Union representative, if wished. The decision of the Director will be based on all available information and will be final
- If at a later date an employee wants to further extend his/her employment, the process must be repeated.

**Retirements due to take place before  
1<sup>st</sup> April 2007, where notice is given *after*  
1<sup>st</sup> October 2006**

The transitional arrangements below must be followed in order to ensure that a retirement dismissal is considered to be fair.

**Notice Periods**

Employees are usually entitled to receive whichever is the greater of **either** their contractual notice (usually 1 or 2 months) or statutory notice (1 week for each year of continuous employment up to a maximum of 12 weeks).

**Notification of retirement date**

Employees will be sent a letter informing them that they will be retired from the Council's service, the day before their 65<sup>th</sup> birthday. The letter must give the longer of either contractual or statutory notice and will also inform the employee that if he/she wishes to work beyond 65 he/she has the right to request this in line with the procedure below.

Managers have a duty to consider each request to continue working and must take all circumstances into consideration including the possibility that a post might be particularly difficult to fill.

**Procedure**

Any employee who wishes to work beyond 65 must follow the procedure below:

- The employee must write to his/her manager stating the reasons why he/she wishes to continue working and the proposed time-scale. The employee must do this where possible 4 weeks before his/her retirement date or as soon as reasonably possible after being notified of the 'right to request'. The request can be made after the employee's contract has been terminated, but not more than 4 weeks after retirement.
- The manager must meet with the employee within a reasonable time-scale to discuss the request. The employee may be accompanied by a co-worker or Trade Union representative if he/she wishes
- The manager will then forward the request to his/her Head of Service/Senior Manager after adding any views and comments. The Head of Service/Senior Manager will make a final decision
- The manager will write to the employee to inform him/her of the decision, giving brief reasons if the request is refused. If it has been agreed to extend the employee's service, the manager must state the new retirement date in the letter

- In the event that the Head of Service/Senior Manager makes the decision not to allow the employee to continue working beyond 65, or agrees to an extension that is shorter than the original request, the employee has the right of appeal to the Director. This must be made in writing within 14 days of the date of the letter notifying the decision
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- If at a later date an employee wants to further extend his/her employment, the process must be repeated.