

Policy C17 - Retirement

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1. Introduction	
1.1 The default statutory retirement age was abolished in 2011. Trust believes that employees should be permitted to work for as long as they wish to providing they are making a high-level contribution; and seeks to give employees the option of working until they give their contractual notice to retire.	
1.2 The abolition of a statutory retirement age broke the link between retirement age and the date at which pensions benefits can be accessed. As at April 2018, the state pension age is 65 for men and between 62-65 for women, depending on their year of birth.	
1.3 There are a number of different retirement options that may be available to employees, including standard, early and flexible retirement. This is subject to qualifying conditions of the relevant pension provider. It is the employee's responsibility to check the implications of the retirement options with their pension provider before making a final decision.	
1.4 Employees are encouraged to give an early indication of their intention to retire and to discuss their plans informally with their line Manager. This will enable appropriate succession planning to be considered.	
1.5 Ill health retirement may be considered for employees who have qualifying membership of the Local Government Pension Scheme (LGPS) or Teachers Pension Scheme (TPS) and are considered incapable of working on a long-term basis due to illness or injury. This option follows the application other relevant trust policies and procedures; including capability and/or sickness absence management as appropriate.	
1.6 This policy is an overview document that is correct at the time of writing; full and specific details of pension eligibility, entitlement and processes may be sought from the relevant scheme providers. The Trust is unable to make recommendations relating to pensions options and encourages employees to contact their Pension Scheme Provider and/or Independent Financial Advisors for advice about their individual circumstances.	

2. Standard Retirement

- 2.1 An employee who wishes to retire should discuss this with their line manager as early as possible to enable them to plan for their retirement.
- 2.2 Written notice to retire must be given to their line manager in accordance with minimum contractual notice periods, however the Trust encourages notice to be given as early as possible to accommodate lead times with processing retirement, including pension.

3. Flexible Retirement

- 3.1 Flexible retirement enables employees to partially retire by reducing their hours and/or salary and draw all or part of their accrued pension benefits.

- 3.2 To be eligible to make a request for flexible retirement and employee must:

- Be aged 55 or over
- Have two years or more membership in the LGPS or TPS*
- Actively be making contributions to the LGPS or TPS*
- Be taking a reduction of at least 20% in their hours and/or substantive salary (For LGPS this must be a permanent reduction; for TPS the reduction must be for a minimum of 12 months)

* Employees who are not members of the LGPS or TPS must have 2 years service with the Trust. Although they are eligible to apply for flexible retirement, the provisions relating to the pension scheme will not apply.

- 3.3 If flexible retirement is agreed before the age of 55, the employee accepts a permanent variation of hours and/or salary. Any subsequent increase in hours and/or salary will only be permitted in certain circumstances where it meets the needs of the trust.
- 3.4 All requests for flexible retirement must be supported by a business case prepared by the relevant Academy/Central Services Manager. This should be sent to HR to be considered by the Executive Directors.

4. Voluntary Early Retirement from the LGPS

- 4.1 The LGPS offers its members the flexibility to retire between the ages of 55 and 75, and to contribute to the LGPS beyond their normal pension age if they continue to be employed in local government.
- 4.2 If an employee takes voluntary early retirement before normal pension age their pension benefits will be reduced. Conversely, the pension benefits will increase if retirement is deferred beyond normal pension age.

5. Ill Health Retirement for members of the Local Government Pension Scheme

- 5.1 Subject to qualifying criteria, active members of the LGPS with a minimum of two years qualifying service may be eligible for ill health retirement.
- 5.2 In LGPS terminology, ill health retirement is an option for scheme members who, 'as a result of ill health or infirmity of mind or body, (are) incapable of discharging the duties of the employment the member was engaged in'.
- 5.3 There are three 'tiers' of payments depending on the probable duration of incapacity. These are:

Tier 1: The employee is unlikely to be capable of undertaking employment of 30 hours each week before reaching normal pension age.

Tier 2: The employee is unlikely to be capable of undertaking employment of 30 hours each week within three years of leaving the Trust, but it is thought that they will do before they reach normal pension age

Tier 3: The employee is likely to recover sufficiently from the incapacity to enable them to undertake employment of 30 hours each week within three years of leaving the trust or before reaching normal pension age if earlier.

5.4 Consideration of ill health retirement may occur when an employee has been absent from work due to illness or injury, and a report from the Trusts Occupational Health service ascertains that no further treatment or workplace adjustments would support a return to work in the foreseeable future.

5.5 If an employee wishes to apply for ill-health retirement from the LGPS, they must notify their Manager in the first instance, who will arrange to receive the LGPS form 'Ill Health Retirement Certificate'. Of this form:

Part A – to be completed by the relevant Academy/Central Services manager

Part B and C – to be completed by an Independent Registered Medical Practitioner from the Occupational Health service.

The signed form is returned to the Trust's HR department.

5.6 The completed Ill Health Retirement certificate is sent to the Trust's HR Director. They will review the contents and determine a suitable response. This will either be:

- The application is rejected. In this instance, a meeting should take place with the employee explaining that they will continue to be managed under the sickness absence policy.
- The application for ill-health retirement is considered an appropriate outcome. A dismissal meeting should be arranged with the employee, the relevant Academy/Central Service Manager and a member of HR. The employee is entitled to be accompanied to this meeting by a workplace colleague or trade union representative. If the employee opts not to attend, the meeting may proceed in their absence.

5.7 The outcome of the decision will be confirmed with 10 working days of meeting the employee. Where ill-health retirement is granted, this letter will include a 'Retirement Declaration' form for the employee to complete and return to the relevant local authority.

5.8 An employee has the right to appeal the outcome of the Ill Health application. They may do this by submitting an appeal in writing to the HR Director within 10 days of receiving the decision, clearly stating the grounds for their appeal. The appeal will be heard by a relevant Senior Manager within 10 days of receipt.

6. Ill Health Retirement for members of the Teachers' Pension Scheme

6.1 Subject to qualifying criteria, teachers who have 2 years qualifying service can apply for ill-health retirement at any time as long as they are under the normal pension age

6.2 There are two possible types of ill-health benefits available to employees depending on the severity of their illness or injury. Under TPS guidance these are considered 'two-tier' criteria as shown below:

Tier 1: Accrued benefits: This is payable if a teacher is assessed by the Teachers Pension Scheme as being permanently unable to teach but may be able to undertake other work up to their national pension age.

Tier 2: Total Incapacity benefits: This is payable if a teacher is assessed by the Teachers Pension Scheme as being permanently unable to teach, and also that their ability to carry out any other work is impaired by more than 90%, and on the balance of probability is likely to be impaired to this extent permanently.

6.3 An application for 'in service' ill-health retirement benefits can be submitted whilst a teacher is employed by the Trust. It may also be submitted within 2 years of leaving pensionable employment if the grounds for leaving was the same, or related to, the condition to which the ill-health retirement relates.

6.4 If a teacher wishes to apply for ill-health retirement, they will need to request the following forms from HR:

Application for Ill Health Retirement Benefits Form

Part A – to be completed by the employee or their representative then passed to their line manager;

Part B – to be completed by the Academy/Central Services as appropriate;

Part C – to be completed by the Trust's HR department

Ill Health Retirement Benefits Form

Part A – to be completed by the employee

Part B – to be completed by the Trust's Occupational Health Provider

The Trust will send the above forms to the TPS along with any additional medical reports the employee has provided.

6.5 The TPS's Medical Advisors will review all information sent to them and make a recommendation based on the medical evidence provided. The outcome may be:

- The application is rejected. In this instance, the medical advisors may advise on further treatments that need to be made or medical information that should be considered before a further application is made.
- The application for ill-health is accepted. If it is accepted, the Academy will need to agree an employment end date. It is important to note that when accepted, the employee must cease teaching with immediate effect.

7. Policy Status and Review

Written by	HR Manager
Owner	HR Director
Status	Approved
Equality Impact Assessment	Initial Impact Assessment Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Full Impact Assessment Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
JCC Consultation date	15 th May 2018
Approval date	HR&R Committee 13-06-18
Review date	2021
Comments	This policy is applicable to all University of Brighton Academies Trust employees and replaces previous East Sussex County Council and West Sussex County Council Documents