



Retirement Age Policy (Incorporating Requests to Work Beyond Intended Retirement Date Consideration Procedure)

The Retirement Policy and Procedure is currently under review due to the removal of the national default retirement age (DRA) with effect from 6 April 2011 as a result of [The Employment Equality \(Repeal of Retirement Age Provisions\) Regulations 2011](#).

Please note that from 6 April 2011 there will no longer be a contractual retirement age and individuals will be able to decide when they want to retire.

Employees who wish to retire will now need to provide formal notice in accordance with their contract of employment on the grounds of voluntary retirement.

Transitional arrangements

For employees who are, or will be, 65 years or over by 30 September 2011 transitional arrangements will apply as the DRA is phased out.

New guidance will be available for the start of the new academic year, 2011-2012.

1 Introduction

- 1.1 Parley First School values the loyalty and commitment given by its employees and is therefore committed to continued employment beyond normal retirement age. Every consideration will be given to requests to work beyond normal retirement age. In taking account of individual needs and pupil / wider school demands, Parley First School will grant extensions to work beyond retirement age where reasonably practicable.
- 1.2 Parley First School will also support all employees retiring from service.
- 1.3 The procedure attached in **Appendix 1** establishes Parley First School arrangements for working beyond normal retirement age and its approach to managing retirements. The procedure aims to make the transition from work to retirement as smooth as possible for employees of Parley First School.
- 1.4 This policy and procedure has been developed taking account of the Employment Equality (Age) Regulations 2006. The Governing Body, with advice from the Local Authority, will review the policy and procedure 12 months after its launch.

2 Scope

- 2.1 This policy applies to all Parley First School employees.

2.2 The Local Authority will not accept liability for any actions, claims, costs or expenses arising out of a school's decision not to follow this recommended policy or procedure, where it is found that the school's Governing Body has been negligent or has acted in an unfair or discriminatory manner.

3 Retirement Age

3.1 The normal contractual retirement age for all employees is 65 years. The intended retirement date for teaching employees is at the end of the school term in which the teacher reaches their 65th birthday. The intended retirement date for all non-teaching employees is the day of their 65th birthday.

3.2 Employees may make an application for an extension to work beyond their intended retirement date and all applications will be properly considered in accordance with the Requests to Work Beyond Intended Retirement Date – Consideration Procedure. **(See Appendix 1)**

3.3 The upper maximum age limit for employment with Parley First School is 75 years, which means that the retirement date for all employees is the day before their 75th birthday. This is to ensure that Parley First School can maintain a balanced age profile within its workforce for the purposes of succession planning and recruitment and retention. Furthermore, establishing an upper maximum age limit will enable employees to make appropriate career and pension plans.

3.4 In exceptional circumstances, the school may extend the employee's contract for up to 2 years beyond their 75th birthday (e.g. where the school struggles to recruit a replacement or a specific piece of work needs to be completed). This is subject to an appropriate risk assessment and it may or may not include a medical check as appropriate. Age 77 is the absolute retirement date.

Appendix 1

Requests to Work Beyond Intended Retirement Date – Consideration Procedure

The new duty to consider procedure comprises four stages:

Stage 1: NOTIFICATION

At least 6 months but no more than 12 months before an employee is due to retire (i.e. for teaching employees, at the end of the school term in which the teacher reaches their 65th birthday and for non-teaching employees, the day of their 65th birthday), or reach their intended retirement date following a previously agreed extension to employment, **the Local Authority, Human Resources, will write to the employee** informing them of:

- the intended date of retirement
- their right to request to work beyond the default retirement age of 65 under the Employment Equality (Age) Regulations 2006

A copy of the notification letter will also be sent to the employee's Headteacher. (With regards to employees in the Local Government Pension Scheme, a copy of the letter will also be sent to the Local Authority Pensions Department.)

Stage 2: REQUEST TO WORK ON

Up to 6 months and at least 3 months before the intended retirement date, the employee can make a request, to the Headteacher, to work beyond the intended date of retirement **by completing the Employee Request Form (Appendix 2)**.

On the form, the employee must propose that their employment should either:

- Continue indefinitely, or
- Continue for a stated period, or
- Continue until a stated date

Stage 3: CONSIDERATION OF REQUEST

The request must be considered in accordance with the guidance notes in Appendix 3.

The <SCHOOL> will support requests from employees to work beyond the age of 65 or any other intended retirement date up to the age of 75 wherever possible. In exceptional circumstances the school may extend the employee's contract two years beyond their 75th birthday e.g. where the school struggles to recruit a replacement or a specific piece of work needs to be completed. This is subject to an appropriate risk assessment and it may or may not include a medical check as appropriate.

In cases where the Headteacher intends to agree the request:

- It will not be necessary to hold a meeting with the employee in cases where the Headteacher intends to agree the request, unless it would be helpful for clarification of working arrangements.
- **Within 10 working days of receipt of the employee's request to remain, the Headteacher shall confirm in writing that the request has been granted.** The letter will state the extension period granted, the new intended retirement date and that the employee may make a further request to work beyond their new intended retirement date within the timeframes stated under stage 1. (**Model letter 1a**)

In cases where the Headteacher may not be able to agree the request:

- **Within 10 working days of receipt of the employee's request to remain, the Headteacher will hold a meeting with the employee,** to consider the request. This timescale may be varied by mutual agreement. The employee has a right to be accompanied to the meeting by a friend, colleague or trade union representative (but not in the capacity of a practising lawyer). The Headteacher may invite a Human Resources Officer to attend if appropriate*. (**Model letter 1b**)
- A record of the decision must be made on the **Employee Request Form – Appendix 2**.
- **Within 5 working days of the meeting, the Headteacher will write to the employee advising them of the outcome of the meeting and of the employee's right of appeal, including a copy of the completed Employee Request Form.** (Model letter 1a if the request is granted or **Model letter 1c** if the request is not granted.)

NB: The individual's employment continues until the decision has been issued, even if this is beyond the original retirement date.

Stage 4: APPEAL

An employee can appeal against the decision within 10 working days after having received confirmation of the decision.

The employee must set out their grounds for appeal, in writing, to their Chair of Governors. The employee's appeal must be based on any of the following:

- (a) That the employee does not agree that the actual reason for terminating their employment is retirement, or if they feel the reason for retirement is not justifiable.
- (b) If the consideration procedure has not been properly followed.
- (c) If an employee wishes to challenge the terms of any agreed extension e.g. the extension has been agreed for a lesser period than that applied for.

The appeal will be heard by a panel of 3 governors, advised by an HR Officer *.

Within 5 working days of the appeal hearing **the Chair of Governors will confirm in writing to the employee** the outcome of the appeal. If employment is extended to a new fixed retirement date, there is no further obligation to give notice or follow the duty to consider procedure, provided that the new date is no more than six months after the original proposed retirement date.

*** A Human Resources Officer, if invited, will only attend to advise those schools who purchase the Employee Relations Service Level Agreement.**