



## **Live Active Leisure**

### **PLANNED RETIREMENT & EMPLOYMENT BEYOND AGE 65**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to state the Company's position on planned retirement, with reference to the Employment Equality (Age) Regulations, and to detail the procedure to be followed when employees are approaching planned retirement age and the circumstances in which the Company will consider extending employment.

The policy applies to all employed members of staff and comes into effect whenever an employee is within 12-6 months of their planned retirement date. For the purposes of the policy, 'planned retirement date' is defined as the date on which an employee is expected to retire, which is the day before the employee's 65<sup>th</sup> birthday.

From 1 October 2006 the Employment Equality (Age) Regulations make it unlawful to discriminate against workers, employees, job seekers and trainees because of their age. In the context of retirement the legislation introduces:

- A default retirement age of 65, making retirement below 65 unlawful unless it can be objectively justified
- The right for employees to request to continue working beyond their retirement age. The employer having a duty to consider such requests

#### **RETIREMENT PROCEDURE**

The HR & Administration Manager (or nominated officer) will contact the employee in writing at least six months (but no more than twelve months) in advance of the intended planned retirement date.

#### **REQUEST TO CONTINUE WORKING BEYOND THE PLANNED RETIREMENT DATE**

Any employee who wishes to continue working beyond age 65 (or beyond the fixed term previously agreed using this procedure) may request to do so. The employee may request to work indefinitely, for a stated period or until a stated date. The request should be made at least three months before the intended retirement date in writing to the HR & Administration Manager.

Upon receipt of the request the HR & Administration Manager will arrange a meeting to discuss the request. The meeting will be attended by the employee and the employee's Line Manager. The employee may be accompanied by a fellow work

colleague or Trade Union Representative. The colleague or representative may address the meeting and confer with the employee, but cannot answer questions on their behalf.

## **OUTCOME OF THE REQUEST**

Following the meeting the employee will be advised, in writing, of the decision.

If agreement is made to the employee continuing to work beyond 65 (or an agreed subsequent date should an agreement to continue working for a fixed term beyond 65 already be in place) an amendment to the employees term and conditions will be issued which will include details of the new intended retirement date. The employee will be informed of their right of appeal against the decision and the procedure to follow to do so.

If agreement is not made to the employee working beyond the intended retirement date, then the employee will be advised, in writing, of the date of retirement. The employee will be informed of their right of appeal against the decision and the procedure to follow to do so.

## **APPEALS**

Employees have the right of appeal where a request has been refused, or where the Company has accepted a request but for an alternative period than proposed by the employee.

A request to appeal a decision made under this procedure should be made to the Chief Executive Officer. The notice of appeal must be received within 14 days of the date of the letter confirming the decision at the retirement meeting.

Following receipt of a written appeal, a meeting will be arranged with the employee, who can be accompanied by a fellow work colleague or trade union representative, (the colleague or representative may address the meeting and confer with the employee, but cannot answer questions on their behalf) the Chief Executive Officer, the HR & Administration Manager and the employees Line Manager to discuss the appeal. The meeting will normally take place within 2 weeks of the written appeal being received or, where this is not possible, within a reasonable period of having received the request.

## **OUTCOME OF THE APPEAL**

Following the appeal, the employee will be informed of the decision, in writing this will normally be within 2 weeks of the meeting or as soon as is reasonably practicable. The outcome will be either:

- Where the appeal was on the grounds of a rejection of a request:
  - That the appeal has been successful and confirming the date that employment will be extended to; or
  - That the appeal has been unsuccessful and the employee will therefore retire on their planned retirement date.
- Where the appeal was on the grounds of employment being extended for an alternative period than requested:
  - That the appeal has been successful and confirming the date that employment will be extended to; or
  - That the appeal has been unsuccessful and confirming the date that the Company is willing to extend employment to.

There is no further right of appeal.

## **EARLY RETIREMENT**

The Company will consider requests for early retirement from employees aged 50 and over, however this would be a voluntary request and is not an automatic entitlement. The decisions to agree to such requests will be based on the financial benefit to the Company.

## **PENSION ARRANGEMENTS**

Employees contributing to the Local Government Pension Scheme (LGPS) will qualify under the pension scheme once they reach retirement age. The normal retirement age under the LGPS is 65 and if the employee retires on that age unreduced pension benefits can be taken based on years of scheme membership.

The Company may consider requests for early retirement providing that request would contribute to an efficiency saving. Pension contributions may be reduced as a result of this.

Should the Company agree to an employee continuing to work beyond retirement age the employee and the Company may continue to make pension contributions.

If an employee continues to work beyond retirement age on reduced hours they may take their pension although if their salary plus pension is more than their full time salary would have been had they chosen not to retire their pension will be reduced by that figure.