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# Guidelines for Managing Staff Working Beyond the State Retirement Age

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## Status of Guidelines

- New Guidelines            January 2012
- Implemented             January 2012
- Review                     January 2013

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Access: If you require this information in an alternative format such as large type, audio cassette or Braille please contact the HR Shared Service Centre.

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## Introduction

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- 1.0 The aim of these guidelines is to ensure that staff can access appropriate information about retirement options and that managers can undertake timely succession planning.
- 1.1 The policy covers all employees.
- 1.2 From 6<sup>th</sup> April 2011, the Default Retirement Age of 65 was abolished and NYCC will not assume that employees will retire at any specific age. Managers will need to speak to employees about their intentions, but cannot require employees to retire, nor to give them details of their future intentions, if they do not wish to do so.

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## Retirement Options

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- 2.1 As there is no longer a Default Retirement Age at age 65, managers are advised to incorporate discussions about retirement within the annual appraisal for all individuals from age 63 onwards. The normal retirement age in both the Local Government Pension Scheme and Teachers' Pensions is 65 and State Retirement Age is currently 65 for men and moving to 65 for women. These discussions should cover if the individual is:
- planning to retire and at what age they plan to do this,
  - planning to work part time from age x to age x prior to full retirement,
  - planning alternative flexible retirement options
  - planning to consider alternative career options prior to retirement,
  - planning to leave a legacy in terms of passing on their knowledge and experience to others before leaving.
- 2.4 If an employee wishes to retire at age 65 or older they will need to resign from their post, in writing, providing the notice specified in their contract of employment in the normal way. It would be helpful if individuals could give an early indication of when they might be planning to retire but the manager cannot require them to do so.
- 2.5 The employee might be able to access early and / or flexible retirement options from the age of 55 if they are a member of the Local Government Pension Scheme. Further details are available at:

[http://intranet/directorate/hr/pay\\_leave\\_benefits/benefits/pensions/RelatedDocuments/Early%20and%20Flexible%20Retirement%20Policy%20\(LGPS\).doc](http://intranet/directorate/hr/pay_leave_benefits/benefits/pensions/RelatedDocuments/Early%20and%20Flexible%20Retirement%20Policy%20(LGPS).doc)

- 2.6 Employers who are members of the Teachers' Pension Scheme may be able to access Actuarially Reduced Benefits from the age of 55 and further details are available at:

[www.teacherspensions.co.uk](http://www.teacherspensions.co.uk)

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## **Employees working beyond the State Retirement Age**

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- 3.0 Employees who remain working beyond the State Retirement Age do so on the same terms and conditions of service as before, provided there has not been a break in service or a change of post. They will retain their leave entitlement based on their continuous service provided there is no break in service. Where the hours of the post have changed, as a result of a flexible retirement or an agreed flexible working request, then the leave entitlement will be pro-rata. Any flexible retirement or flexible working request would need to be discussed within the appropriate procedure.
- 3.1 The employee will cease paying National Insurance Contributions in all instances and will not therefore be entitled to statutory sick pay but will be entitled to occupational sick pay (subject to normal qualifying conditions). Employees over the State Retirement Age will still be subject to the attendance management procedures.
- 3.2 As at any time during a member of staff's employment, issues in relation to attendance, disciplinary or capability should be addressed in line with the appropriate procedures. Any concerns regarding physical requirements in specific jobs should result in managers conducting a risk assessment as part of normal responsibilities regarding health and safety.

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## **Recruiting individuals over the State Retirement Age**

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- 4.0 Managers are not be able to specify an upper age limit for any role and will not be able to make recruitment and selection decisions based on age. There may be limited situations where a minimum age can be specified for a Genuine Occupational Requirement.
- 4.1 If there are any particular physical requirements for the role they should be clearly defined within the job description and / or person specification.
- 4.2 Reasonable adjustments can only be discussed at the interview stage in relation to issues that might need to be addressed for the recruitment process. Information on reasonable adjustments for the role and any previous attendance issues, including asking for information from referees, can only be discussed or obtained once a conditional offer of employment has been made and advice sought, if necessary, from Occupational Health.

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## **Redundancy and Restructures**

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- 5.0 Individuals over the State Retirement Age or those who would reach it within the restructure period or shortly thereafter should be included with other staff in ring-fencing arrangements, and are able to apply for alternative posts.
- 5.1 Individuals who are displaced in redundancy exercises will be eligible for a redundancy payment.

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## Succession Planning

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- 6.0 In discussing retirement options with staff over the age of 63 managers should consider succession planning arrangements for the post where necessary. Managers will need to identify key posts that will be difficult to fill either because of the nature of the work and / or where the post is located. They should also identify any posts that have a particularly long training and induction period linked to the key skills for the role.
- 6.1 Where possible, managers need to identify where there could be internal promotion to enable an individual to job shadow, or undertake appropriate training over the period of time running up to a planned retirement. Managers are encouraged to have a discussion with staff planning to retire regarding the possibility of leaving a legacy where they can pass on their skills and experiences to others. This could include a variety of methods including mentoring, work shadowing, workshops, seminars, etc.
- 6.2 Managers should continue to discuss career aspirations, short, medium and longer term, irrespective of the age of the employee. All employees should have access to appropriate training and development opportunities.
- 6.3 To support succession planning it would be helpful if employees could engage in transparent discussions with their line manager as early as possible,
- 6.4 Managers are encouraged to apply positive action to address existing workforce demographics and under-represented groups, particularly young people. Managers will have access to a range of resourcing solutions to consider prior to advertising a vacancy to external candidates or to existing internal candidates.

**If you require any clarification of this guidance please contact the HR Shared Service Team or for recruitment issues the Recruitment team.**

**[hrsst@northyorks.gov.uk](mailto:hrsst@northyorks.gov.uk)**

**01609 798319 (or, 01609 798311 for schools)**

**[Recruitment@northyorks.gov.uk](mailto:Recruitment@northyorks.gov.uk)**

**01609 798342**

**Appendix A**

**Discussion at Appraisal**

**(copy given to employee and copy retained on personnel file)**

Name .....

Post .....

Date of Birth .....

**Summary of Discussion**

A. Planning to retire Yes / No

Age of planned retirement .....

B. Planning to flexibly retire Yes / No

From (date) ..... to retirement at (date) .....

Hours planned .....

C Planning alternative flexible retirement options Yes / No

D. Planning to consider alternative career options prior to retirement, Yes / No

E. Planning to leave a legacy in terms of passing on their knowledge and experience to others before leaving.

Yes / No

Summary of discussion with individual in relation to above.

**Signed (Manager) .....**

**Date .....**

**Signed (Employee) .....**

**Date .....**