


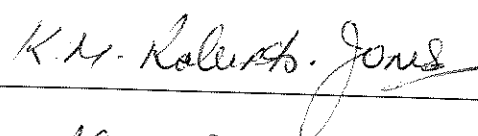
Brynlywarch Hall School



RETIREMENT POLICY

Policy Review

This policy will be reviewed as detailed in the school's policy review cycle. It may also be necessary to review and amend it sooner to reflect both local and national changes.

Signed		Headteacher
Signed		Chair of Governors
Dated:	19th April 2016	
Date of Review:	April 2019	

Brynlllywarch Hall School

Retirement Policy

The retirement policy adopted by the Governing Body of Brynlllywarch School is as set out by Powys County Council.

Cyngor Sir Powys County Council

Retirement Policy for Teachers

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Cyngor Sir Powys County Council

Retirement Policy for Teachers

1. Introduction

- 1.1 This Early Retirement Policy aims to clarify the situation regarding options available to teachers facing retirement and to enable schools to effectively manage their workforce.
- 1.2 This policy has been drawn up in light of the Employment Equality (Age) Regulations 2006, the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997 and the Teachers' Pension Scheme (TPS).
- 1.3 The Employment Equality (Age) Regulations 2006 set a default retirement age of 65 (to be reviewed in 2011). Powys County Council is encouraging a flexible approach to the employment and work patterns of older workers. Employees will have the right to request to continue working beyond their 65th birthday.
- 1.4 If an employee decides that they wish to continue to work beyond their 65th birthday, they must write to the Chair of the Board of Governors requesting this to be considered. This request must then be discussed with a HR advisor.

2. Working Beyond Retirement Date

- 2.1 The normal retirement age would be either 60 or 65 depending upon when the employee joined the Teachers' Pension Scheme or if they have had a break of 5 years or more.
- 2.2 The Teachers' Pension Scheme allows members aged 50 or over to take either all or part of their pension (subject to reductions) where it has been agreed to reduce hours or level of post. Details of the retirement process, including Phased Retirement and Premature Retirement (and qualifying conditions) are contained in this policy.
- 2.3 Schools should adhere to the concept of a fair retirement process for all staff. A fair retirement is one that:
 - Takes effect on or after the default retirement; and
 - Where the employer has given the employee written notice of the date of their intended retirement and told them about their right to request to continue working.
- 2.4 For the retirement to be deemed as 'fair', the employer (Governing Body or LEA) will need to have informed the teacher in writing of their intended

retirement date and of their right to make a request to work beyond retirement age at least six months in advance but no more than 12 months before the intended date. Any request to work and any termination of employment beyond 65 should be discussed with a HR adviser.

- 2.5 Schools have an obligation to give consideration to any request to work after the normal retirement age, but are entitled to refuse the request. There is no requirement to give a reason for the decision as, provided that the retirement procedure has been followed correctly, the reason for their dismissal will always be retirement.
- 2.6 If the teacher has been properly notified (as above) and wishes to continue working, they must request to do so no less than three months before the intended retirement date. If a school fails to notify a teacher six months in advance of retirement, there may be a liability for compensation and an ongoing duty (up until two weeks before the retirement dismissal) to inform the teacher of both the intended date and their right to request working longer. Failure to do this will make the dismissal automatically unfair.
- 2.7 If a school fails to inform the teacher of their intended retirement date and of their right to request to continue working, the teacher will still be able to make a request not to retire at any stage until dismissal. If the teacher does make a request, the employment must continue until the day after the school notifies them of their decision on the request.

3. Premature Retirement

3.1 Where it is confirmed that a teacher's pensionable employment has been terminated because of redundancy or in the 'efficient discharge of the employer's function', retirement benefits may be paid, subject to the following conditions:

- The Scheme member is aged 50* or over;
- The Scheme member is aged 55* or over and joined the Scheme on or after April 2006;

(*From April 2010, the qualifying age will be 55 for all Scheme members)

3.2 There is no automatic right to premature retirement - it is at the employer's discretion. The employer must agree to the payment of premature retirement benefits and agree to pay a statutory share of the benefits.

4. Phased Retirement from Age 55

- 4.1 Schools are encouraged to support employees who wish to look at their retirement with a flexible approach. This provision is designed to enable staff to take a longer-term gradual view of retirement, whilst at the same time allowing schools to retain valuable experience and expertise. The arrangements for Phased Retirement are as summarised below.
- 4.2 Any teacher wishing to consider Phased Retirement must discuss arrangements with their school and is advised to seek pensions advice at an early stage.
- 4.3 Phased Retirement may be taken without having a break in employment provided that the pensionable salary reduces by at least 25% for at least 12 months. This could be, for example, as a result of taking up a post of lesser responsibility or by working fewer hours.
- 4.4 This arrangement may be accessed twice before finally retiring.
- 4.5 A maximum of 75% of total pension benefits accrued prior to commencing phased retirement may be taken.

5. Dealing with Requests for Phased Retirement

- 5.1 Once an employee has decided to request phased retirement they must put their request in writing to the Governing Body who will in turn liaise directly with the pension department of the LEA. The employer (Governing Body or LEA) must meet with the employee to discuss the application. The meeting must be within 28 days of receiving the request and the employee must be informed in writing of the decision within 14 days of the meeting. The individual's existing employment arrangement continues as previously agreed until they have been informed of the decision on the request.
- 5.2 The following points should be considered when dealing with requests for phased retirement:
 - Savings in recruitment and training costs;
 - Retaining the valuable experience and knowledge of the employee;
 - Avoid making stereotypical assumptions about the employee's capabilities;
 - Whether there are any grounds to warrant the waiving of reductions to pensions;
 - Pensions costs.

6. Representation at Meetings for Phased Retirement Applications

6.1 At the meeting and at any subsequent appeal meeting where appropriate, the employee has the right to be accompanied. The individual accompanying the employee must be:

- Chosen by the employee;
- A colleague or teacher association representative;
- Permitted to address the meeting but not answer questions on behalf of the employee, and
- Permitted to confer with the employee during the meeting.

7. Appeal Process

7.1 If the request is turned down, the teacher is entitled to lodge an appeal, which must be placed within 14 days of receiving the decision. This appeal must initially be to the governing body, who will in turn discuss the appeal with the schools nominated HR adviser. Within 14 days of this notice of appeal being given, the employer must hold a meeting with the employee to discuss the appeal. Again, the employee may have a representative with them as detailed above.

7.2 The decision must be conveyed to the employee in writing within 14 days of the appeal hearing. If the appeal is upheld, the employer's letter must specify the agreed contract variation and the date from which it is to take effect. If the appeal is not upheld, the letter must set out the grounds for the decision and contain sufficient explanation as to why those grounds apply. Such an appeal should be made through the *Grievance Procedure*.

8. Actuarially Reduced Benefits (Retiring between the ages of 55 and NPA)

If a teacher is aged between 55 and Normal Pensionable Age and have been in pensionable employment on or after 30 March 2000, they will be able to obtain early access to their pension benefits, which will be actuarially reduced, provided that the benefits are at least equal to the *Guaranteed Minimum Pension*.

If they are in pensionable employment or excluded employment when the teacher applies for actuarially reduced benefits they must obtain the consent of the employer to gain immediate access to retirement benefits. Employers cannot withhold their consent for longer than 6 months from the date on which the teacher submits the request. Subject to the employer's consent, actuarially reduced pension benefits are paid from the day after the last day of pensionable or excluded employment.

If the teacher has already left teaching when they apply, benefits will be paid from a date not earlier than 6 weeks after the date of the application.

9. Retirement due to Ill-Health

- 9.1 Employees who become permanently unfit for employment within their current post may be eligible for ill-health benefits under the Teachers' Pension Scheme.
- 9.2 If you are under the Normal Pension Age and have to retire through ill-health, you can apply for ill-health benefits. Applications should only be submitted after all other avenues such as redeployment have been exhausted. You must provide medical evidence that your illness permanently prevents you from teaching. Ill health benefits can be paid at two different levels depending upon the severity of the illness; Total Incapacity Benefits (TIB) and Partial Incapacity Benefits (PIB).
- TIB would be awarded if you are assessed as being permanently unable to teach and unable to undertake any other gainful employment. If you receive TIB your service will be enhanced. The total amount of enhancement you may receive if you are awarded TIB is half the service you could have completed before normal pension age (NPA).
 - PIB would be awarded if you are assessed as being permanently unable to teach but can do other work. If you receive PIB it will be based on your accrued benefits only, without enhancement.
- 9.3 Ill-health benefits cannot be awarded to a teacher who has been barred for misconduct or who is under investigation by the DCSF with a view to barring. Where a teacher under investigation is not subsequently barred, and an application for ill-health benefits is accepted, the benefits will be backdated.
- 9.4 You cannot normally obtain ill-health benefits if you have already been awarded premature retirement benefits.
- 9.5 Attention is drawn to the Absence Management policy which sets out procedures to follow for managing ill-health and absence.

10. Preparation for Retirement

9.1 Pre-retirement courses are organised through the Council's Human Resources section. Places on the courses can be booked through the Corporate Training Intranet site or via the Organisational Development Unit. Everyone is encouraged to take the opportunity to attend the course during the two years before their intended retirement date.

11. Further Guidance

11.1 Advice and guidance is available from the Teachers' Pension Scheme by calling 0845 606 6166 or by visiting www.teacherspensions.co.uk. It is important that before taking any decision about retirement, an employee seeks guidance as individual circumstances will vary.

11.2 Specific information regarding State Pensions is available from the Pensions Service helpline on 0845 6060265 (Callers should have their pension reference or National Insurance number ready) or via the website www.thepensionservice.gov.uk.

11.3 Additional Pension Benefit (APB) is a pension which can be received in addition to the standard benefits from the Teachers' Pension Scheme. Details regarding this option can be found on www.teacherspensions.co.uk/resources/factsheet5.htm