

### 1. Policy Statement

At NHSBT, we recognise that it is necessary to provide a clear process and guidance to our managers and employees, and to provide the appropriate support for anyone considering their Flexible Retirement options.

The aims of flexible retirement are to:

- Enable NHSBT to retain skills, knowledge and experience
- Help support the health and wellbeing of older employees as they approach retirement and wish to continue working
- Support employees in their transition from work to final retirement
- Ensure that overall workforce costs are managed in line with budgets.

When using this policy, you also need to refer to the policy FAQ document and to Knowledge (FAQ's) in People First.

Our commitment to inclusion across sexual orientation; gender; age; gender reassignment; pregnancy and maternity; disability; religion or belief; race; marriage and civil partnership, identity, all abilities and experience drives us forward every day.

### 2. The Process

You will need to contact HR Direct to arrange a call or meeting where you can talk through your eligibility and options with them.

If, following your call you decide to make a Flexible Retirement Application, the appropriate application form will be provided by HR Direct.

#### Options

Your options may include:

- Retire and Return (from NHS Pension Scheme)
- Partial retirement (Draw down) (taking some of your pension –1995, 2008 or 2015 scheme)
- “Step Down” (taking a lower banded post prior to retirement)
- “Wind Down” (reducing hours or days prior to retirement)

## Option 1: “Retire & Return”

This process applies to those in the NHS Pension Scheme. It sets out what you need to do if you are considering claiming your NHS Pension and returning to work for us, regardless of whether you are requesting to return to the same post or a different one in the organisation, and what your manager and the organisation will do to support this.

It is advisable that you discuss your thoughts and options with your manager as soon as possible, to see if this is an option for you. Each case will be considered on its own merits. Applications will not be automatically approved and will take into account current and future workforce requirements. Information on the options available to you and about Flexible Retirement from the NHS Pension Scheme can be found at [‘Pensions’](#) in People First.

You need to be aware that this is a *resignation* and therefore NHSBT is not obliged to re-employ you. For re-employment to be an option there will need to be an appropriate vacancy and consideration will be given to any change in the requested contractual hours. It may not be possible to re-employ you in your previous role and therefore you will need to hold the necessary skills to meet the most current job description for the role. It is advisable that you discuss appropriate vacancies with your manager *before* you resign. You will also need to consider the NHS Pension requirements in relation to the necessary break in service.

### **Application process**

**For re-employment within NHSBT there must be a break of 24 hours.** This means a minimum of 24 hours between the date of the last working day extended by the period of any outstanding annual leave, and the start date of your re-engagement.

You may have the opportunity to return to the same role, or you may be re-employed in a different role; on a fixed term basis and/or a part time basis. This means you might be asked to learn new or additional skills.

If you have already claimed your pension and returned to our employment and then your position should become redundant, NHS redundancy compensation would apply only to the period post re-employment i.e. from your new start date following the appropriate break in service when you retired, claimed your Pension and returned to our employment. At the point of redundancy, you would need to have completed 104 weeks’ continuous service to be entitled to a redundancy payment.

Should your request not be accepted, the reason for this will be given in writing to you by your manager. They must detail their reasons clearly for example:

- equality requirements
- value for money
- the standard of your work and attendance
- your competence (skills, knowledge and experience) against essential requirements of the post
- whether the hours proposed can be accommodated/meet service needs
- succession planning and the potential impact your return will have on your team
- whether it is in the best interest of the service to accommodate your ‘flexible retirement’ request
- long term workforce/service plans for the post and team and how your ‘flexible retirement’ request fits with this.

Sometimes although your request cannot be agreed in full, there may be a compromise position or other alternative options that could be offered. Your manager will discuss these with you as part of the process.

If you wish to apply to Retire and Return, the Flexible Retirement Application form will be provided by HR Direct; this includes details of:

- your resignation
- confirmation of your NHS Pension retirement date

- And details of your re-employment.

Following discussion with you, if they agree to your request, your manager will process your termination and send the Flexible Retirement Application form to Pay Support to initiate your NHS Pension application and action your re-employment.

When planning a retirement with the intention of returning to work in the NHS it is important to make sure that a 24 hour break in service is taken to ensure that your re-employment does not lead to non-payment or suspension of your NHS Pension. We advise that you check with the new employing organisation to check any rules they may have for Retire and Return and breaks in service.

To do this, you must ensure that you take full account of any outstanding leave when calculating your break in service. Any annual leave that you have accrued up to and including your last day of service, must be taken before your last day of service, otherwise this could extend your pensionable leave date if you receive any payment for outstanding annual leave. Which could lead to non-payment or suspension of your NHS Pension. Your break in service must be a true break, and therefore annual leave must not be used as an alternative to this break.

**For NHS Pension purposes** when returning to any NHS employment (including those with NHSBT) there must be:

- a break of at least 24 hours. This means a minimum of 24 hours between the last working day extended by the period of any outstanding annual leave and the start date in the new employment.
- From 01 April 2023 you can return on any number of hours, and you will be automatically enrolled into the 2015 NHS Pension
- If you don't want to be in the 2015 NHS Pension Scheme you must opt out within 6 weeks to be eligible for a refund.

## Right of Appeal

If your request is not accepted, your manager will explain and discuss this with you and you will have the right to appeal their decision. Your appeal should be based on your belief that your manager:

- Has either not been reasonable when handling your request OR
- Has not followed this policy

You cannot appeal just because you do not agree with the outcome. Your appeal must be in writing to your manager's manager.

- This needs to be in writing, within 7 calendar days of the date of the letter confirming the outcome. The letter should be sent to the next level of management.
- Within 21 calendar days from the date of the outcome letter, you will be required to provide full details of your grounds for appeal
- This will then be provided to the chair of the panel for them to prepare their response to your grounds of appeal, which will be provided to you a minimum of 7 calendar days before the appeal.

An appeal panel will be held without unreasonable delay. The letter notifying you of the panel will contain or confirm what documents and information have been provided to you and the panel. The appeal panel will be led by someone more senior than the manager made the original decision and not previously involved in the process. It will also be supported by a HR representative.

The panel will make a final and binding decision, confirming the appeal outcome in writing within 7 calendar days. It should be noted that an appeal panel will not re-hear a case; however, it will establish that the policy and process applied was fair. Therefore, new information may not normally be presented. However, a panel may choose to accept new information presented by both parties at an appeal hearing. The decision of the appeal panel is final and marks the conclusion of the process.

## [Option 2: “Partial Retirement” \(Draw down\) \(1995, 2008 & 2015 Scheme\)](#)

This involves you taking between 20% and 100% of your pension benefits, continuing to work and continuing to make contributions to your remaining pension. You are not required to resign, nor have a break in service.

You must be over age 55 for the 2008 & 2015 scheme benefits, but over age 50 for 1995 section benefits. If drawing from 1995 between ages 50 - 55, 100% must be drawn.

Pensionable pay must reduce by at least 10%. This reduction in hours (or possible change of post) must last at least 12 months and will therefore require discussion and agreement with your manager as there will be an impact on the service.

If you do not reduce your pensionable pay this will have an impact on your future pension.

### **Application process**

If you wish to take part of your NHS Pension, using ‘Partial Retirement, you will need to complete an application form which must be agreed with your manager. Full details of the process can be found on [People First](#)

Application for “Partial Retirement” is via the normal AW8 pension application form. You can draw down up to two times before retiring completely.

## [Option 3: “Step Down”](#)

You may be able to ‘Step Down’ to a different role to reduce your level of responsibility whilst remaining in NHS employment and before taking your NHS Pension. This option would be dependent on an appropriate vacant role being available.

Depending on your age at the time you step down, you may be able to protect a higher level of pay for the calculation of your future pension benefits so that the impact of a change in pay banding only affects your future pension earned after the date you stepped down. This option may support you to remain in work in the run up to your Normal Pension Age as working at a lower level may feel more achievable and may be more financially advantageous than retiring from the organisation completely.

You should ensure that you understand the impact on your NHS Pension and discuss appropriate vacancies in suitable roles to ‘step down’ to with your manager *before* proceeding with this option.

### **Application process**

This option would be processed through the vacancy recruitment process in the normal way.

## [Option 4: “Wind Down”](#)

You may be able to ‘Wind Down’ to retirement by remaining in your current post, but reducing the number of hours or days you work. Pensions for part-time staff are calculated on the whole time equivalent salary and not the actual salary. Therefore, the only impact this may have is on the length of your membership, as it will take longer to build up future membership if you are working less than full time hours.

For example, if you wind down to work half time hours it will take two years to build up one year of pension benefits, but the final salary used to calculate benefits will not be affected so long as your salary band or level remains the same. If your salary band or level reduces, please see the previous information on Step Down. This option may support you to remain in work for a longer period of time before retirement.

### **Application process**

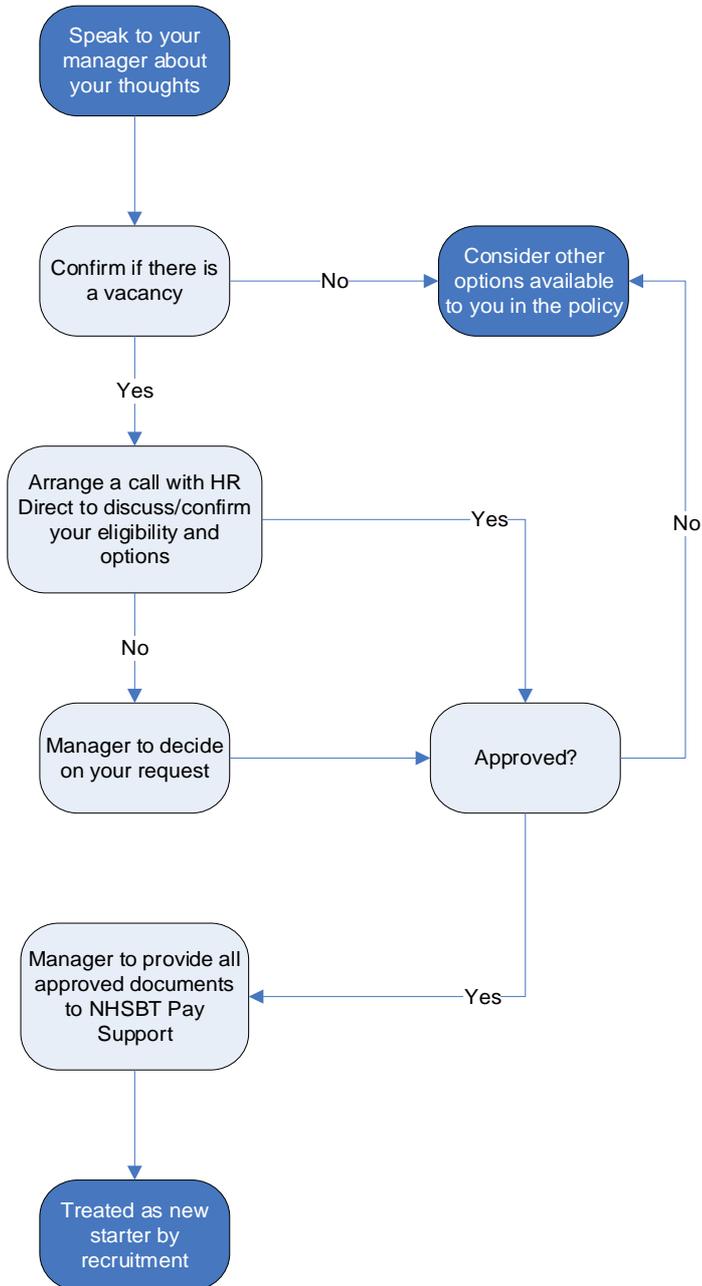
You will be required to make the request to change your hours via a Flexible Working Request. Please refer to the NHSBT Flexible Working Policy

### Additional Support

You may wish to seek advice from the NHSBT Employee Assistance Programme (EAP), an independent Financial Advisor or your Trade Union. It would also be useful to enrol on our NHSBT Pre-Retirement Course.

## 3. Flowchart

### Retire and Return Process



## 4. Policy Approval and Review

Policy version	UCD/People/FlexibleRetirement/025v1.2
Title	Flexible Retirement Policy
Approved by SPC	22 <sup>nd</sup> February 2024
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Counter Fraud check	24 <sup>th</sup> May 2023
This document replaces	UCD/People/FlexibleRetirement/025v1.2
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Author	Claire Surtees/Dawn Bartley
Filepath	G/HR/HR/Everyone/Policies
Distribution	Available on People First