

5.1.2 Extension to Review Dates of Employment and Corporate Written Control Documentation

Presenter: Lisa Gostling/Ros Jervis

PPPAC - October 2020

Retirement Policy



**PWYLLGOR CYNLLUNIO POBL A SICRWYDD PERFFORMIAD
PEOPLE PLANNING AND PERFORMANCE ASSURANCE COMMITTEE**

DYDDIAD Y CYFARFOD: DATE OF MEETING:	29 October 2020
TEITL YR ADRODDIAD: TITLE OF REPORT:	Extension to Review Dates of Employment and Corporate Written Control Documentation Minor Amendment to Policy 124 – Retirement Policy
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Lisa Gostling, Director of Workforce & Organisational Development Ros Jervis, Director of Public Health
SWYDDOG ADRODD: REPORTING OFFICER:	Christine James, Policy Co-Ordination Officer

Pwrpas yr Adroddiad (dewiswch fel yn addas)

Purpose of the Report (select as appropriate)

Ar Gyfer Penderfyniad/For Decision

ADRODDIAD SCAA

SBAR REPORT

Sefyllfa / Situation

The Hywel Dda University Health Board (HDdUHB) currently has a number of employment and corporate written control documents (policies and procedures) uploaded and accessible on the HDdUHB internet policy page <https://hduhb.nhs.wales/about-us/governance-arrangements/policies-and-written-control-documents/> which have imminent or expired review dates. Detailed information is contained in Appendix 1 (attached).

The Workforce & OD Team has made a minor amendment to the HDdUHB Policy 124 - Retirement Policy as detailed in Appendix 2 as directed on All Wales guidance.

Cefndir / Background

It is imperative that HDdUHB has up to date and accurate written control documentation in order to comply with relevant legislation and to minimise any associated risks.

Assurance

A review has been undertaken to identify all written control documentation which has either imminent expiry dates or exceeded the review date and requires an extension in order to allow time for a full review to be undertaken. The attached schedule details the written control documentation for which lead authors are requesting an extension to the review dates. The extension date requested per written control documentation has been determined by the lead officer in each case. Assurance has been provided by the lead author that the document remains fit for purpose during the extension period.

In accordance with the revised HDdUHB's 190 - Written Control Documentation Policy, it is the responsibility of the owning committee to ensure that a written control document is reviewed and approved in a timely manner.

The policy process ensures that the owning committee and the lead officer are contacted nine months prior to the expiry date, thus allowing sufficient time for the review to be undertaken in a timely manner.

Argymhelliad / Recommendation

The People, Planning and Performance Assurance Committee (PPPAC) is requested to approve the extension of the expiry date to the written control documentation on the schedule attached, on the understanding that the review will be completed within the stipulated date, and to approve the minor amendment to Policy 124 - Retirement Policy.

Amcanion: (rhaid cwblhau) Objectives: (must be completed)	
Committee ToR Reference: Cyfeirnod Cylch Gorchwyl y Pwyllgor:	5.22 Approve corporate and workforce policies and plans within the scope of the Committee
Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score:	Not applicable
Safon(au) Gofal ac Iechyd: Health and Care Standard(s):	Governance, Leadership and Accountability
Amcanion Strategol y BIP: UHB Strategic Objectives:	
Amcanion Llesiant BIP: UHB Well-being Objectives: Hyperlink to HDdUHB Well- being Objectives Annual Report 2019-20	

Gwybodaeth Ychwanegol: Further Information:	
Ar sail tystiolaeth: Evidence Base:	Legislation and national policy
Rhestr Termau: Glossary of Terms:	Included within body of policy
Partïon / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Cynllunio Pobl a Sicrwydd Perfformiad: Parties / Committees consulted prior to People Planning and Performance Assurance Committee:	As detailed in the assessment

Effaith: (rhaid cwblhau) Impact: (must be completed)	
Ariannol / Gwerth am Arian: Financial / Service:	Not applicable

Ansawdd / Gofal Claf: Quality / Patient Care:	Staff accessing written control documentation which is out of date, no longer relevant or contradicts current guidance may have a negative effect on the quality, safety and experience of care. It may also lead to unwarranted variation in care delivery
Gweithlu: Workforce:	Not applicable
Risg: Risk:	The presence of written control documentation on the intranet, outside of the Policies, Procedures and other Written Control Documentation intranet webpage, may result in staff accessing documents which are out of date, no longer relevant, or contradicting current guidance
Cyfreithiol: Legal:	It is essential that the UHB has up to date policies and procedures in place
Enw Da: Reputational:	Not applicable
Gyfrinachedd: Privacy:	Not applicable
Cydraddoldeb: Equality:	A full equality impact assessment has been undertaken for each separate policy/procedure

Appendix 1 - Written control documentation – requesting extensions to their review dates

Employment written control documentation:

Ref	Title/link	Review dates	Executive Lead	Justification for extension
299	Registration and Re-Registration Of Health Professionals Policy	18.05.2020	Lisa Gostling	To extend the review dates of all Human Resource (HR) policy documents. The reason for this is due to COVID-19 work pressures within the HDdUHB and the delayed publication of revised All Wales guidance. Also, all policies will be aligned to the planning objectives linked to workforce & organisational development processes. Extension sought until 31.07.2021.
582	Term Time Working Policy	18.09.2020		
389	Expenses Policy	18.09.2020		
436	Rostering Policy	14.05.2018 Extended to 2.10.2020		
488	All Wales Upholding Professional Standards in Wales - Disciplinary Procedure for Medical and Dental Staff	01.08.2019 Extended to 2.10.2020		
465	All Wales Social Media Policy	28.02.2019 extended to 27.2.2021		
142	All Wales Grievance Policy	31.03.2019 extended to 27.2.2021		
204	All Wales Secondment Policy	31.03.2019 extended to 27.2.2021		
130	All Wales Dignity At Work Policy	30.09.2018 extended to 27.2.2021		
313	Study Leave Policy for Medical Dental Staff	30.11.2019 extended to 27.2.2021		
122	All Wales Special Leave Policy Special leave guidance notes	15.03.2020 extended to 27.2.2021		
558	Management of Nursing Midwifery Medication Errors/Near Misses Policy	18.05.2020 extended to 27.2.2021		
113	Learning and Development Policy	18.05.2020 extended to 27.2.2021		
045	Personal Development and Review Policy	18.05.2020 extended to 27.2.2021		
100	Organisational Induction Policy	18.05.2020 extended to 27.2.2021		
572	All Wales Recruitment and Retention Payment Protocol	19.05.2020 extended to 27.2.2021		
573	All Wales Organisational Change Policy	19.05.2020 extended to 27.2.2021		
	All Wales Disciplinary Policy & Procedure	19.05.2020		

Ref	Title/link	Review dates	Executive Lead	Justification for extension
		extended to 27.2.2021		
435	All Wales NHS Staff to Raise Concerns Procedure	15.03.2021		
139	Uniform and Dress Code Policy For All Health Board Staff	15.03.2021		
158	Redeployment Policy	15.03.2021		
002	Recovery Of Overpayments Policy	15.03.2021		
109	Time In Lieu Procedure	15.03.2021		
072	Submission of Information To Payroll For Payment Of Staff For WOD	15.03.2021		
121	Relocation Expenses Policy	15.03.2021		
603	EAGLE Strategy - Employer led Regulation & Registration System - Assistant Practice, Advanced Practice, Extended Roles, New Roles and Competence	15.03.2021		
126	Work/Life Balance - Flexible Working Policy	15.03.2021		
247	Dealing With Anonymous Letters and Other Anonymous Communications Regarding Members Of The Workforce	15.03.2021		
127	Ordinary Parental Leave Policy	24.05.2021		
438	Shared Parental Leave Procedure	24.05.2021		
203	All Wales Capability Policy	27.06.2021		
133	Equality and Diversity Policy	19.12.2020		A new inclusive task and finish group is to be established to completely review the document. However, due to winter pressures associated with COVID-19, a realistic extension has been sought until 31.7.2021
153	Equality Impact Policy and Procedure			

Corporate written control documentation:

Ref	Title/Link	Executive Lead	Review date	Justification for extension
293	Smoke Free Policy	Ros Jervis	07.02.20	Pending receipt of Welsh Government guidance to complete the proposal to introduce the new Smoke-free Premises and Vehicles (Wales) Regulations 2020. An announcement was made on 29 th September 2020, confirming that the implementation date of the new regulations would be 1 st March 2021, and guidance would be made available to assist with the development of policies and procedures to introduce the new enforcement and legislative measures in advance of that date. Therefore a realistic extension of 12 months is sought in order that the revised policy and implementation plan can be developed

Appendix 2 – 124 Retirement Policy Version Control Overview Sheet

Reference and title of written control document:	124 – Retirement Policy
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Type of review Delete as applicable	Minor review	Major interim review	Full three yearly review
Detail the reason for the review - New national guidance	X – new Welsh Government guidance		

Person making changes to the document:	Kim Warlow
Owning Group/Committee:	Workforce & OD Team
Executive Lead	Lisa Gostling

<p>Include a copy of the comparison which shows the changes between the previous and the new version of the document</p> <ul style="list-style-type: none"> to compare document in Word – go to the tab at the top marked 'review' then select 'compare' and you are able to compare two documents; you can save and insert copies to insert document – 'insert' tab at the top of page 'object' 'create from folder' select display as icon and then choose file and press insert 	
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Page number	Sentence/paragraph which requires changing	Which professional group/department does the change impacts on?	Has the change been approved?
App – section 3	Reference to a 14 day break but this has been changed on an All Wales basis to 8 days. It is referenced in 3.6 and 3.7 and in the application section 2 3 rd , 4 th and 6 th bullet point	All staff	Yes on an AW basis

Assurance	
Evidence Base	Is the document is fully compliant with the chosen evidence base? Yes
References	Has the reference section been updated? Not applicable

To be read in conjunction with section	Are the Health Board written control documents referred to in the 'to be read in conjunction with' section of the reviewed document still current? Yes
Compliance with legislation/national guidance	Is the document materially different to the relevant legislation/ national guidance? No
Patient/staff information	Patient /staff Information <ul style="list-style-type: none"> • Has existing patient/staff information been updated to reflect any changes? Yes
Equality impact assessment	If the update is outside of the three year window do the proposed changes require the Equality Impact Assessment to be reviewed? No
Dissemination	Disseminated via global email and also updating policy link on the internet
Review	3 years original review date

Approving Group: PPPAC Chair: Professor John Gammon	Date approved:
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Retirement Policy

Procedure Number:	124	Supersedes:		Classification	Employment
Version No:	Date of EqlA:	Approved by:	Date Approved:	Date made active:	Review Date:
8	March 2014	PPPAC			6.9.2022

Brief Summary of Document:	This policy sets out the process to be followed when employees approach retirement. It also sets out the arrangements by which staff may be facilitated to apply to retire early subject to meeting certain criteria along with the arrangements for staff who wish to request to retire and then return to work.
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Scope	This policy is applicable to all employees.
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To be read in conjunction with:	Retire and Return process NHS PENSION retire and return option FAQ
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Owning committee	Workforce and Organisational Development Committee
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Reviews and updates		
Version no:	Summary of Amendments:	Date Approved:
1	New procedure	
2	Revised procedure	4.4.13
3	Review	19.10.2015
4	Amendment to Approval form as we no longer have a vacancy panel	21.10.2016
5	2 yearly review	15.3.2018
6	Amendments to 7.1; 7.3; 10	17.5.2018
7	Section 3.8 removed from the retire and return application process	6.9.2019
8	Changes to the retire and return section - 14 day break but this has been changed on an All Wales bases to 8 days	

Glossary

Key words

Retirement

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HYWEL DDA UNIVERSITY HEALTH BOARD

1. INTRODUCTION

Hywel Dda University Health Board has agreed this policy in the general interests of the efficiency of the provision of health care and taking into account the potential wishes of individual employees.

The policy takes account of good practice and adherence to the policy will ensure that all employees are treated fairly and equitably and in an open and transparent manner in terms of any retirement situation during their period of employment.

2. POLICY STATEMENT

This policy sets out the process to be followed when employees approach retirement and designed to ensure that staff are aware of the different types of retirement and the process involved in applying for their pension.

The policy also sets out the arrangements by which staff may be facilitated to apply to retire early subject to meeting certain criteria.

3. SCOPE

This policy is applicable to all employees.

4. AIMS

The aim of this policy is to highlight the ways in which staff can retire from employment and the process involved.

5. OBJECTIVES

The Policy will ensure staff are clear with regards to the notice periods required of them to ensure a smooth transition from employment to retirement.

6. RETIREMENT

There are a number of ways in which an employee may retire.

6.1. Normal Pension Age

The normal pension age (NPA) is the age that you can retire from NHS employment and have your NHS pension paid without a reduction or enhancement. The NPA will depend on which section of the scheme you are part of, and your status.

The NHS Pension Scheme up to 31 March 2008 is now called the **1995 Section**. Members who joined for the first time on or after 1 April 2008 join the **2008 Section**. Members joining for the first time on or after 1 April 2015 join the **2015 scheme**.

- The 1995 section's NPA is 60 but nurses, midwives, health visitors, physiotherapists and mental health officers in the pension scheme before 6 March 1995 (collectively described as 'special class status') have the right to retire from a normal retirement age of 55 without a reduction to their pension.
- The 2008 section's NPA is 65.
- The 2015 scheme NPA is the same as the State Pension Age (SPA).

2008 and 2015 scheme working beyond NPA.

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If you do not take your pension benefits at NPA, you may continue to build benefits as long as you stay in these sections, up to age 75. When taking your benefits they will be increased to take account that it is being paid later than your NPA. At age 75 you must claim your benefits.

2015 scheme early retirement reduced buy out (ERRBO)

Members or employers can pay additional contributions to buy out, or reduce, the actuarial reduction that would be applied to their pension were they to retire before their NPA. Further information is available in the ERRBO factsheet on the NHS Pension website.

6.2. **Voluntary Early Retirement (not to be confused with Voluntary Early Release)**

The minimum pension age:-

- 1995 section members who joined before 6 April 2006 can choose to take voluntary early retirement from age 50 and receive reduced benefits. Members who joined the 1995 section after 6 April 2006 can choose to take voluntary early retirement from age 55.
- 2008 section members can choose to take voluntary early retirement from age 55 and receive reduced benefits.
- 2015 scheme members can choose to take voluntary early retirement from age 55 with reduced benefits.

Where a member of staff is considering Voluntary Early Retirement they should check their entitlements with the Pensions Section of the Payroll/Pensions Department. Staff may only receive Voluntary Early Retirement when their reduced pension is above the Guaranteed Minimum Pension. From 6 April 1997 members who joined for the first time on or after this date and who did not transfer in membership with a Guaranteed Minimum Pension do not have to meet the test and can retire provided they have two years membership and have reached their minimum pension age.

6.3. **Early Retirement on the Grounds of Ill Health**

Those employees who are members of the NHS Pension Scheme may, in certain circumstances, be considered for early retirement on the grounds of ill health. Detailed medical evidence is required in such cases. Any employee who is in "permanent ill health" and who wishes to be considered for early retirement should initially approach their line manager / head of department for advice on how to proceed.

Advice is also available from the Health Board's County Workforce & OD Team and from the Occupational Health Department.

6.4. **Early Retirement other than on Grounds of Ill Health**

From time to time, special provisions may exist which can allow under specifically prescribed arrangements, for the premature payment of pension, with enhancements, to certain individuals or classes of employee. Any such arrangements will be brought to the attention of such individuals or classes of employee that could be affected.

6.5. **State Pension Age**

The state pension age (SPA) is changing. The new state pension will be a regular payment from the government that you can claim if you reach state pension age on or after 6 April 2016. You will get your state pension under the current scheme if you reach state pension age before 6 April 2016. You can find your state pension age by following this link:

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<https://www.gov.uk/calculate-state-pension>

7. FLEXIBLE RETIREMENT OPTIONS

There are a number of flexible retirement options available to staff which include:

7.1. Winding Down - Working fewer hours in an existing post.

There is a general misconception that moving into part time work in the years leading up to retirement may reduce the eventual pension. However, pensions for part time staff with membership in the 1995/2008 sections is calculated on the whole time equivalent salary so moving from full time work to part time work, rather than retiring, should not reduce the level of pensionable pay for the calculation of pension benefits. However it will reduce the rate at which members build up future membership. E.g. a member of staff working half time hours for 4 years will build up 2 years' pension membership

- **1995 section** - Benefits calculated on the basis of 1/80th of the best of the last three year's pensionable pay for each year of pensionable membership (known as pensionable pay).
- **2008 section** - Benefits calculated on the basis of 1/60th of annual average of best three consecutive year's pensionable pay, in the last ten years (known as reckonable pay)
- **2015 Scheme** – Pension is based on actual pensionable pay throughout your career. The pension is built up depending on four factors: Build up rate, Annual Revaluation, Length of scheme membership and Pensionable earnings. Further information is available on the NHS Pension scheme website.

7.2. Stepping Down - Defer retirement by “stepping down” to a less demanding, lower graded (paid) post.

This is subject to the Board's agreement and pension rights will be preserved at the previous higher level. The process for this will be an application in writing to the Executive Director Group.

- **1995 section** - Before a member retires if they are over the minimum retirement age they may opt to step down to a less demanding job on lower pay. With the agreement of their manager, the member may wish to take this option and have their pension, before the step down, frozen. They would start a second pension based on the stepped down pay. The pay must be reduced by at least 10% for at least one year and the member must apply for protection within 15 months of the reduction taking place.
- **2008 section** - If a member of the 2008 scheme is over the age of 55 they can consider moving towards retirement by switching to a less demanding role. Their pension will be calculated using the average of the best three consecutive years' pensionable pay in the last ten years.
- **2015 Scheme** – benefits are based on the Pensionable Pay earned each year.

7.3. Working when needed

Retirement, but remaining available to work through registering for bank work or by advising availability for work during peak periods.

Staff considering flexible retirement options should discuss these in the first instance with their line manager. Such requests will be considered in light of service and organisational requirements through the Executive Director Group. Staff are also advised to contact the Health Boards Pension Officer to determine the implications of flexible retirement on their pension.

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The most popular flexible retirement option is where a member of staff retires, releasing their pension and lump sum and subsequently returns to work.

The majority of active and deferred members who are under maximum pensionable age are required to take a 24hour break and cannot work more than 16 hours per week for the first calendar month following retirement. (This is the pension provisions). There is no limit on what a person can earn if they return to work following normal age retirement

However the Health Board's Retire and Return policy has different time scales as set out in Appendix 1.

For staff who will may still have special class status and/or mental health officer status, who retire between 55 and 60 the provisions above apply and in addition the employee's combined pension and post retirement earnings must not be greater than their salary upon retirement. Where this occurs, the pension is reduced to bring the total income down to the required level.

Dependant on the section of membership the following will apply.

- **1995 section** - After the 24 hour break employee may return to NHS employment and work 16 hours or less for the first calendar month to avoid their pension being suspended. If the new contract is for more than 16 hours per week a calendar month break must be taken. Abatement applies if the member is re-employed under age 60 and pension was not reduced due to voluntary early retirement.
- **2008/2015 section** - After the 24 hour break employee may return to NHS employment (and their pension will not be suspended if they work more than 16 hours per week the first calendar month). Abatement applies if the member was re-employed under NPA and pension was not reduced due to voluntary early retirement.

Staff who retire from the 2008 section or 2015 scheme may return to NHS employment and they will be able to continue contributing to the NHS Pension Scheme.

7.4. Staff who retire from the 1995 section cannot contribute to the NHS Pension Scheme, but if eligible under Automatic Enrolment rules, will be enrolled in an alternative pension scheme provided by Hywel Dda UHB 2008 section and 2015 Scheme

7.5. Draw Down –available in 2008 and 2015 schemes.

Members can take part of their pension benefits and continue in NHS employment. Members can take between 20 % and 80% of their pension benefits and continue to build up future membership in the scheme. Further information on the rules may be found on the NHS Pension Scheme website.

8. HEALTH BOARD'S PROCESS FOR STAFF WHO WISH TO APPLY TO RETIRE AND RETURN TO WORK

In accordance with this policy consideration will be given to requests to retire and return to work after release of pension and lump sum in certain circumstances. Any member of staff wishing to retire and return must complete the retire and return process at Appendix 1.

8.1. Alternative Pension Arrangements Automatic Enrolment

From October 2012 all eligible workers, who are not already in a workplace pension scheme will be automatically enrolled into a qualifying workplace pension scheme.

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As retired members of the 1995 section cannot rejoin the NHS Pension Scheme if they meet certain conditions they will be automatically enrolled in the alternative pension scheme, provided by Hywel Dda University Health Board.

9. RETIREMENT PROCEDURE

The following procedure must be followed for staff wishing to retire:-

- Speak with the Pensions advisor to obtain the necessary paperwork and if required a quote of their pension benefits.
- Write to their manager advising them of their intention to retire giving the date of retirement. This letter must be received by their manager at least 4 months prior to the intended date of retirement. This will enable their pension application to be processed in time for their retirement.
- The manager will complete a termination form at least 3 months before retirement and submit it to the Payroll and Pensions department who will notify pensions of the intended date of retirement.
- All pension payment forms must be returned to the pensions department at least 3 months prior to the intended retirement date.

In the case of ill health retirement the quote will be obtained by the Workforce Representative and sent direct to the employee. Occupational Health input will be required on all ill health application forms.

The NHS Pension Scheme has a target – to pay an award by one calendar month following award due date. The due date is the date the pension becomes payable or the date all necessary information is available to calculate the award

10. PREPARATION FOR RETIREMENT

All staff are encouraged to plan and prepare as far in advance as possible for retirement.

Staff are entitled to receive one pension estimate per year. Total Reward Statements (TRS) have been introduced which is a personalised document which shows employees the value of their employment package annually. For members of the NHS Pension Scheme it will provide details of their pension benefits. The TRS statement is available to view via ESR Employee Self Service or by registering with the Government Gateway. Where a Total Reward Statement (TRS) or Annual Benefit Statement (ABS) is not available and the employer is unable to produce an estimate, NHS Pensions will provide one free estimate per year.. NHS Pensions will provide estimates to scheme members within their statutory target of 40 working days of receipt of their application

Further information on pensions can be obtained from the “Scheme Guide’ or www.nhsbsa.nhs.uk/pensions where there are factsheets and links to obtain further information.

11. FURTHER INFORMATION

Employees wishing to obtain further information regarding Pension benefits, including those related to ill health and early retirement (by reason of redundancy, organisational change, etc.) should contact their Workforce Manager or the Pensions Advisor.

12. NHS RETIREMENT FELLOWSHIP

The Fellowship is a registered charity that exists to promote the welfare and interests of retired NHS staff. It was established in 1978 and has gone from strength to strength, enjoying the

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support of NHS Chief Executives at local and national level. A branch of the Fellowship was set up in 1979 and employees approaching retirement will be given details of the Fellowship, its activities and how to join. The Health Board encourages all staff retiring from the service to join the Fellowship and thereby maintain, through its social activities, contact with colleagues from the service.

Further information can be obtained by accessing the Fellowship's website at www.nhsrf.org.uk.

13. AVOIDANCE OF ANNUAL LEAVE PAYMENTS

Managers should ensure that wherever practicable staff that are due to retire take all of their annual leave entitlement prior to their date of retirement. Annual leave that is still owed at the retirement date extends membership for pension purposes.

14. RESPONSIBILITIES

14.1. Director of Workforce & OD

The **Director of Workforce & OD** is responsible for ensuring that robust processes and procedures are in place to enable the efficient and equitable application of this policy.

14.2. Assistant Director of Workforce and OD

The **Assistant Director of Workforce and OD** has responsibility for ensuring that the application of this policy is monitored and audited and that reports on the application of the policy are provided regularly (at least annually) to the Workforce & OD Sub Committee.

14.3. Managers

Managers have responsibility for ensuring that they operate this policy in an open, equitable and transparent manner and that proper consideration is given to every request made under the policy. Managers should ensure that staff who retire are formally written to and thanked for their service on behalf of the Health Board.

15. TRAINING

All staff will be made aware of this policy upon commencement with the Health Board at either the Corporate or Departmental induction. Copies can also be viewed on the Health Board's Intranet or obtained via the Workforce & OD department. Training will be provided as appropriate depending on the complexity of the policy. Training may be provided at HR training sessions which all staff will be informed of via internal communication channels or their line manager in advance or via newsletters.

16. IMPLEMENTATION

The procedure will be posted on the Hywel Dda Health Board Intranet website, hard copies will also be available from the Workforce & OD Department. Advice on the Procedure may be sought from the Workforce Department.

17. REVIEW

This Policy will be reviewed after 3 years, or sooner, as required.

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Appendix 1 – nhs pension retire & return



Rules and Procedures (including approval and request form)

1. Introduction

This document details the processes and procedures relating to the Hywel Dda University Health Board NHS Pension Retire and Return Option. This scheme will be monitored and reviewed as necessary.

2. Scope

This scheme is available to all employees of the Health Board to make application although it should be noted that each case will be considered on its own merit. Applications are not automatically approved and there is no contractual right or entitlement to retire and return.

3. Scheme Rules

The following rules apply to the Retire and Return to Work option:

- 3.1 The member of staff can submit an application to retire to access their NHS Pension and then return to the employment of the UHB.
- 3.2 Approval of requests will depend upon the needs of the service and the UHB is under no obligation to approve any request. There is no guarantee that if you chose to retire you will be able to return to work.
- 3.3 A potential retirement always creates a vacancy and this must be managed in the same way as any other vacant post according to current policy.
- 3.4 In considering the replacement of the retiring employee, the Department or Directorate must ensure that they address any opportunities that arise for service improvement and development.
- 3.5 If it is agreed that the individual can return to employment with the UHB, they can either return to the current post working to the same job description or return to a different funded post/vacancy (see 4/5 below).
- 3.6 All employees taking the retire and return option must take at least a **14-8** day break over at least 1 weekend(excluding any annual leave) between the date of retirement and the date of re-engagement.

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- 3.7 All employees can only work 16 hours per week for one calendar month **and** one day following the date of their retirement. The minimum 14-8 day break can be counted towards this period. Following a period of one month and one day after the last day of membership in the NHS Pension Scheme, the employee may increase their hours if they so wish and subject to agreement with their manager.

It should be noted that for certain categories of staff e.g. those with Special Class Status within the NHS Pension Scheme, abatement rules could apply to their earnings. Any member of staff wishing to increase their hours above 16 per week are advised to discuss the matter with the Pensions Office to be aware of any impact this may have on their pension.

- 3.8 The 14-8 day break will break any continuity of service for NHS Redundancy payment purposes. As such, any entitlement to a future NHS redundancy payment would be based on the post-retirement service.
- 3.9 The 14-8 day break would additionally impact on any future Pay Protection provisions. Any protection provisions would only be based on the post-retirement service.

4. Returning to employment with the UHB – returning to the same post

4.1 Non Medical Staff

There are no Agenda for Change Terms governing salaries for employees who retire and return although, in line with current practice, the employee will return to their pre-retirement salary point. The individuals will also retain their incremental date although this will be deferred by the number of days break.

It should also be noted that any staff who are paid on a weekly basis or employed on an old contract will return on a monthly Agenda for Change contract.

4.2 Consultant Staff

Where agreement is reached for a retiring Consultant to return to work following retirement, the Directorate will propose a new job plan to the individual concerned. This will normally be for no more than 10 sessions (or pro rata) and will normally specify a 9:1 split.

Returning Consultants will be engaged on a locum contract for a maximum period of one year and will be paid on the MC83 'retired Consultant' pay scale (which is the same as the maximum on the substantive basic salary scale) with one SPA.

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4.3 Associate Specialists

The Associate Specialist grade is now a closed grade and no new appointments can be made to it. There is no provision, therefore, for an associate specialist to return to this grade.

4.4 Specialty Doctors

A retired speciality Doctor may be re-engaged as a locum specialty doctor at the usual locum salary which could be lower than the doctor's pre-retirement salary.

These basic salaries for medical and dental staff would form the basis for other payments such as additional sessions, enhancements and on-call supplements.

5. Returning to employment with the UHB – returning to a different post

- 5.1 Where the individual wishes to retire and return to a different post, they will need to apply for the post in open competition as per the recruitment process.
- 5.2 The interview for the post in question must have taken place prior to the date of retirement of the individual.
- 5.3 If appointed, the individual will be appointed on the salary scale/pay band applicable to the new post.

6. Procedure

The following procedure will apply to the request and approval for the Retire and Return to Work option:

- 6.1 Employees should complete Part 1 of the Retire and Return application form attached as Appendix A and forward this to their Line Manager.
- 6.2 The Line Manager will complete Part 2 of the form indicating whether the application can be supported, taking into account the needs of the service. For Medical and Dental staff a new Job Plan will need to be drawn up and agreed before the process can be taken forward.
- 6.3 The Line Manager will forward the form to the relevant General Manager/Lead Nurse for approval and to submit the application to their Executive Director for approval. The Manager/Nurse will complete Part 3 of the form and return it to the Line Manager.
- 6.4 If the application is rejected then the Line Manager will inform the employee of this and ensure that they are aware of the reasons that the application was refused. This will be confirmed in writing by the line manager to the employee.

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- 6.5 The Line Manager will notify the employee if the application to retire and return has been approved by the Executive Director and will confirm this in writing.
- 6.6 The manager (or the Medical Staffing Department in the case of Medical and Dental staff) will immediately complete a Staff Termination Form and forward this to Payroll. The reason for leaving on the Staff Termination Form will be "Age Retirement".
- 6.7 The Line Manager will complete the Retire and Return proforma (attached) and will forward to the Head of Workforce West/Medical Staffing Team for processing. A copy of the written confirmation letter which was sent to the staff member by the manager agreeing to them retiring and returning to work should be attached. Details of the post they are returning to should also be included in this letter. A commencement form should also be completed and sent to payroll at this time and prior to the employee returning.
- 6.8 A copy of the confirmation letter must also be sent to the Recruitment team along with copy of the proforma in order for a new contract to be issued.
- 6.9 The Manager (or the Medical Staffing Department in the case of Medical and Dental staff) will undertake the commencement process and complete the commencement form prior to the member of staff returning to work.
- 6.10 If the employee is returning to a different post, they will need to apply for the post as per the recruitment process and be interviewed prior to the agreed termination date. A Disclosure and Barring Check will be undertaken if appropriate where the member of staff has not previously undertaken a check or where the post requires a higher level of check than was previously undertaken.



NHS Pension Retire and Return Request and Approval Form

Part 1 - Employee Request

I have read and understand the rules and procedures of the Retire and Return Scheme and make the following request under the terms of that Scheme.

Name of employee:	
Staff number:	
Email address:	
Department:	
Band / Grade:	
Current hours/sessions worked per week:	

I am formally notifying you of my wish to retire on and, having accessed my NHS Pension, I wish to apply to return to the employment of the UHB.

If I am successful in my application to return to employment, I would wish to:

1. Return to my current post and work Hours/sessions per week
(Please provide further details to assist in the consideration of the request)

OR

2. Apply to return to a different post and work Hours/sessions per week
(Please provide further details to assist in the consideration of the request)

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- I understand that the UHB is under no obligation to approve my request to retire, access my NHS Pension and return to employment.
- I understand that if I wish to return to a different post, I will need to apply in open competition for the post. The interview must have taken place prior to my retirement.
- I understand that if my application is successful, I will be required to take a break of at least 14-8 days (excluding any paid annual leave) from the date of retirement to the date of re-engagement.
- I understand that, under the NHS Pension rules, I will not be able to work more than 16 hours per week for 1 calendar month **and** one day following the date of my retirement – the 14-8 day break will be counted towards this period. Thereafter, with the agreement of the UHB, I will be able to increase my hours up to full time.
- I understand that if my application is successful, any employment that has been taken into consideration for my pension benefits will not count as reckonable service for NHS Redundancy purposes i.e. any future NHS Redundancy payment would be only based on any post-retirement service.
- I understand that the 14-8 day break will end my continuity of service for pay protection purposes i.e. any future pay protection would be only based on any post-retirement service.
- I understand that if I do return I will be given a new ESR Individual Number and I will need to advise the Payroll Department if I wish to continue with voluntary deductions from my salary e.g. Union Fees, WHSA etc

Employee signature:

Date:

Part 2 - Line Manager Recommendation

The Line Manager should provide a brief commentary as to whether the application to retire and return should be accepted. (In the case of medical & dental staff, a proposed job plan will also need to be drawn up and agreed)

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Line Manager Name (please print)	
Line Manager Signature:	
Line Manager Title:	
Date:	

Part 3 - General Manager/Lead Nurse Approval

Either:

I approve this request for to retire on....., access their NHS Pension and return to the employment of the UHB.

General Manager/Nurse Signature:	
General Manager/Nurse Name:	
Date:	

OR:

I reject this application on the following grounds:

General Manager/Nurse Signature:	
General Manager/Nurse Title:	
Date:	

Executive Director decision:

Request approved: Yes or No

Signature:
Date:

Notes:

- Part 1 - to be completed by Employee and forwarded to Line Manager
- Part 2 - to be completed by Line Manager and forwarded to relevant General Manager/Lead Nurse
- Part 3 - to be completed by relevant General Manager/Lead Nurse and sent to Executive Director.

Copy to be sent to Head of Workforce – West for monitoring purposes.

Line Manager to confirm outcome to Employee