

Tonbridge and Malling Borough Council

PLANNED RETIREMENT PROCEDURE

The Council will follow a statutorily required process to notify employees of their coming retirement. This will achieve the “planned retirement” which, in law, is a fair reason for ending employment. It must be implemented when any employee is nearing the Council’s Normal Retirement Age (NRA), which is fixed by the Council’s Policy to be the age of 65.

The responsible Chief Officer will :

- § Notify the employee in writing at least six months (but no more than 12 months) in advance of the intended retirement date, which would be the day before his/her 65th birthday. Note that this will be necessary even if the contract documentation already states the retirement date. An example letter is appended to this procedure.
- § Tell the employee in the letter that they will have the ‘right to request’ to work beyond their normal retirement age. (An employee who wishes to continue at work beyond their 65th birthday should respond by completing and returning the form attached to the letter.)

Working beyond retirement

- § Any employee who wishes to continue working beyond age 65 may request that his/her employment continue indefinitely, for a stated period or until a stated date.
- § The employee’s request to continue working must be made in writing no less than three months but not more than six months before their 65th birthday.
- § Following consultation with the Central Services Director or one of the senior personnel staff the Chief Officer responsible must arrange to meet with the employee to discuss any such request. The meeting must be held within a reasonable period of the request being received. Both the Chief Officer and the employee must take all reasonable steps to attend the meeting.
- § A trade union or staff representative, who can put the employee’s case and confer with the employee during the meeting, may accompany the employee to the meeting.
- § Although the employee can seek to continue to work for an ‘indefinite’ period, it is up to the Chief Officer to agree the period. The Council’s policy is that this should normally be for one year, with a review and the possibility of further one year periods thereafter.

- § Following the meeting, the Chief Officer must inform the employee in writing of the decision.
- § If it is agreed that the employee continues in work, he/she must be advised in writing of his/her new retirement date. This will amend his/her contract of employment and Payroll and Personnel should be informed by way of a Change of Particulars form.
- § If the Chief Officer decides that the employee will not continue working beyond age 65, then the employee must be notified in writing that the retirement will take effect on the day before their 65th birthday.
- § The employee must also be told that he/she has a right of appeal over the decision and provided with details of how to lodge an appeal.
- § As the Council's normal retirement age is 65 the focus for the decision about a requested extension should be whether there are very good reasons for agreeing to it, e.g. a likelihood of a reduction in service as a result of anticipated difficulties in recruitment, rather than seeking to justify its refusal. This should be explained to the employee.
- § An employee can make only one request to carry on working. However, if the request is granted and a new retirement date is then established, further requests to carry on working beyond that new retirement date can then be made according to the timetable set out above.

Further extensions

Note that the above 'duty to consider' procedure will have to be followed every time the employee is nearing a planned date of retirement. Therefore, if it is agreed that the employee can continue to work, and he/she has been given a new intended date for retirement, the procedures set out above must again be followed.

Pension implications

Further details of the appropriate pension scheme implications may be obtained from www.lgps.org.uk.

Model letter to advise the employee about their retirement

Dear (name)

Intended Retirement Date

From our records we note that you reach the age of 65 on, which is the normal retirement age for employees of the Council.

The Council anticipates that you will retire on that day, and if that is your wish, please accept the Council's good wishes for a long and contented retirement.

You may be aware that you can request to work beyond the age of 65.

The Council needs to fix an understanding of what is to be the position.

If you wish to seek the Council's agreement that you should work beyond age 65 you will need to submit your request in writing to me also using the form below. Any such request must be submitted by (*At least 3 months before the intended retirement date*). Please indicate how long you want the extension of your employment to last. Please note that such a request will be considered against an assumed retirement age of 65 and only granted where there is a clear service related justification.

If you have any queries regarding your retirement or the contents of this letter, please speak to me.

Yours sincerely

To be completed by the employee

(Please tick as appropriate the boxes below and return to me)

I wish to request that I continue to work beyond the age of 65. I wish to work on:

- Indefinitely
- For a stated period (please specify) or
- Until a certain date (please specify)

Signed Date