

REPORT TO: Appointments Committee
DATE: 8 March 2007
REPORTING OFFICER: Strategic Director – Corporate and Policy
SUBJECT: Early Retirement Policy
WARDS: Not applicable

1.0 PURPOSE OF THE REPORT

1.1 The purpose of this report is to recommend for adoption a revised Retirement Policy, which covers the following three areas:

- Voluntary Early Retirement – in the Efficiency of the Service
- Ill-Health Retirement
- Flexible Retirement

1.2 The revisions are required to be in place by 1st April 2007 to ensure that the Council complies with the recently introduced age discrimination legislation.

1.3 The adoption of the revised policy will complement the earlier decision made by the Executive Board that the Council does not set any default retirement age in ensuring the Council meets its statutory duty under the new legislation.

2.0 RECOMMENDED: That the attached draft policy be formally adopted (see Appendix).

3.0 SUPPORTING INFORMATION

3.1 The Council is required to revise its retirement policy in the light of new age discrimination legislation and changes that have been made in the Pension Regulations. The revised draft policy essentially retains the key components of the existing scheme. No fundamental changes are proposed to the scheme at present, although adoption of the scheme does not prevent that from happening in future years.

3.2 The key need for this report is to ensure that the Council's scheme complies with the new legislation.

3.3 The Trade Unions have been consulted and support this course of action.

4.0 POLICY AND FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications attached to this report, although clearly any decisions taken around retirements themselves

will have financial implications for the Authority. Those decisions need to take into account the impact on the efficiency and effectiveness of the Council's services.

5.0 RISK ANALYSIS AND EQUALITY AND DIVERSITY ISSUES

5.1 Adoption of the policy will ensure that the Council complies with the age discrimination legislation.

6.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

There are no background papers under the meaning of the Act.



HALTON BOROUGH COUNCIL

RETIREMENT POLICY FOR

- VOLUNTARY EARLY RETIREMENT – EFFICIENCY
 - ILL –HEALTH RETIREMENT
 - FLEXIBLE RETIREMENT

March 2007

1.0 INTRODUCTION

- 1.1 Employees of Halton Borough Council, other than teachers, have an option to join the Cheshire Pension Fund, which is part of the Local Government Pension Scheme LGPS (LGPS).
- 1.2 The benefits provided for in the LGPS are prescribed in Regulations set by the Department for Communities and Local Government.
- 1.3 This policy has been revised to comply with new legislation relating to age discrimination and changes in Pension Regulations and is effective from 1st April 2007. Those aspects of the Pension Regulations that are subject to employer discretion have been reviewed and Council decisions are reflected in this revised policy.
- 1.4 This Retirement Policy forms an integral element in the Council's overall approach to the management of its employees – its Personnel Management. It forms part of the terms and conditions of employment of staff, and reflects the decisions of the Council in relation to the discretionary aspects.
- 1.5 There are a number of different, but specific, circumstances, which might lead to early retirement being considered. Employees who are not in the LGPS may still retire early from their employment, however, this policy sets out the benefits available to employees who are members of the LGPS in the event of :
 - retirement at age 65 (or older) – at the employees choice
 - voluntary retirement before the age of 65 – in the interests of efficiency
 - ill health retirement
 - flexible retirement

For details of the scheme for dealing with instances of redundancy, please refer to the At Risk Policy

2.0 RETIREMENT AT AGE 65 (OR OLDER)

- 2.1 The Council has decided not to adopt a default retirement age. Employees who wish to leave the employment of the Council upon reaching age 65 (or older) can do so by giving notice as per their contract of employment. They can access their full pension benefits without reduction.
- 2.2 Any employee choosing to continue to work beyond age 65 can simply resign their employment whenever they wish to do so, in accordance with the notice in their contract of employment, and access their full pension benefits.

3.0 RETIREMENT IN THE INTERESTS OF EFFICIENCY

- 3.1 In the case of an employee who is aged 60 or over with over 5 year's membership of the Pension LGPS, there is a right to resign their employment and receive their pension benefits immediately. The individual's benefits will be reduced to reflect the fact that the pension is to be paid for a longer period than if the individual had stayed in work until age 65. However, this situation will not apply if:-
- (a) the individual is in the protected group, i.e. who are 60 or more before 31st October 2013 (with further reduced protection for certain persons until 31st March 2020) and who have their membership up to this date protected in that they meet the terms of Regulation 31 (Rule of 85) at their retirement date, i.e. their age and length of LGPS membership (in whole years) are equal to or greater than 85 years
- or
- (b) the Council agrees to the early release of pension, without reduction, on compassionate grounds. In this instance, the circumstances will be set out in a report to the appropriate Strategic Director who, in consultation with the Executive Board Member for Corporate Services and the Operational Director with responsibility for HR matters, will decide each case on its merits. There will be no rights of appeal against the decision.
- 3.2 Additionally, employees aged between 50 and 59 may apply for retirement. The normal method would be to apply on the grounds of the retirement being "in the interests of the efficiency of the service".
- 3.3 Whilst the earliest retirement age remains 50 for efficiency of service and Regulation 31 (Rule of 85) this will increase to age 55 by 2010.
- 3.4 Voluntary Early Retirement in the Interests of Efficiency is a voluntary scheme and is considered when it is felt to be in the interests of the Council as well as the employee. The employee must write setting out their request and the employer must decide whether it is to the mutual benefit of both parties that the retirement is granted. Consideration of such applications is undertaken by Strategic Directors, who will consult with the Executive Board Member for Corporate Services and the Operational Director with responsibility for HR matters before making a decision. Please note that for requests from staff employed under the JNC for Chief Officer conditions, the final decision will be made by the Council's Appointments Committee.
- 3.5 As this method of retirement is entirely discretionary, there are no rights of appeal against the decision.

- 3.6 If an application is agreed, the employee will be granted access to their pension but their benefits will be reduced to reflect the fact that the pension is to be paid for a longer period than if the individual had stayed in work until age 65. This will not apply for employees who meet the circumstances described in 3.1 (a) & (b) above.
- 3.7 Additionally, in agreeing to the request, the Council will augment the individuals LGPS service under the provisions of Regulation 52 of the LGPS Regulations 1997.
- 3.8 The total amount of membership that can be augmented under this regulation will be at its maximum but in any event cannot exceed the shorter of
- $6\frac{2}{3}$ years, or
 - the period required to take the members service up to 40 years, or
 - the period by which the members total membership falls short of the total membership they would have achieved if they continued in the LGPS until age 65.

4.0 ILL HEALTH RETIREMENT

- 4.1 LGPS Regulations strictly define the terms of retirement if an employee is deemed to be permanently unable to continue working due to ill health. There are no employer discretions in such cases.
- 4.2 Regulations require that the retirement is certified by a qualified Occupational Health Advisor and subsequently accepted by the Council.

In this instance, if the individual has been a member of the LGPS for at least 5 years, then service is automatically augmented as set out below to compensate for premature retirement:-

5 - 10 years service	–	service doubled
10 - $13\frac{1}{3}$ years service	–	service increased to 20 years
$13\frac{1}{3}$ - $33\frac{1}{3}$ years service	–	extra $6\frac{2}{3}$ years
$33\frac{1}{3}$ - 40 years service	–	service increased to 40 years
over 40 years	–	no increase

None of these increases can be greater than the period from the date of leaving until the persons 65th birthday. The increase for part time employees is also reduced unless the person has at least $13\frac{1}{3}$ years of previous full time continuous service.

5.0 LOYALTY GIFTS

5.1 In recognition of loyal service to Halton, employees who leave the Council with over 20 years service with Halton are entitled to receive a gift in recognition of their long and loyal service. (For employees transferred by Statutory Transfer Order to Halton in 1998, previous service with Cheshire County Council will count as service with Halton Borough Council). This will take the form of:

- a gift of £200 (reimbursed on production of receipts.)
- a framed certificate
- a Mayoral presentation (if requested)

Additionally, an employee may choose to use part of the award to purchase a life time pass to Tatton Park.

6.0 UNTAKEN ANNUAL LEAVE

6.1 Employees are expected to take their full entitlement (pro-rata). Untaken annual leave will only be paid to employees in the case of ill health retirement where the employee has been unable to take leave due to sickness absence.

7.0 FLEXIBLE RETIREMENT POLICY

7.1 Under the new LGPS Regulations employees who are members of the scheme can draw their benefits at age 50 or over and remain in employment.

7.2 To access pension and continue working employees must, however, have their employer's permission *to* reduce their hours or grade. It is not necessary for employees to obtain employer consent for benefits to be released, only that their hours and/or grade are reduced.

7.3 Benefits released under the Flexible Retirement Scheme will be reduced if paid before age 65 (regardless of whether the member is in the protected group, i.e. 60 or more before 31st March 2013.)

7.4 Applications will be considered on an individual basis and in relation to reduction in hours only. An important element of this consideration will be the cost incurred by the Council in agreeing to such a change. Additionally, in relation to an application for a reduction in hours the employee must apply to reduce their contractual hours by at least 25%. Their application must state that it is a reduction in hours to effect release of benefits. The procedure as outlined in the Voluntary and Flexible Part-time Working Policy will be followed. It is not considered realistic or feasible for an employee to make an application under this scheme on the basis of a voluntary reduction in grade only as this is likely to contravene Equal Pay legislation.

7.5 An application for, and the successful appointment to, a lower graded post will not be considered as an application to reduce an individual's grade as this will be an appointment to a separate contract of employment and not an application to reduce a grade.

7.6 Benefits paid under this rule will not be abated if the LGPS member is re-employed with the same LGPS employer.

8.0 REVIEW

8.1 This policy will be reviewed on an annual basis by the Council to consider its continued appropriateness in the light of changes in regulations and other circumstances.