

## **Wiltshire Council Human Resources**

### **Age Retirement Policy**

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### **What is it?**

This policy removes the Council's Default Retirement Age (DRA) of 65 as a result of legislative changes commencing 6 April 2011.

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#### **Who does it apply to?**

This is a harmonised policy and applies to both Wiltshire Council and ex-district TUPE employees.

#### **When does it apply?**

From 6 April 2011 new legislation makes the statutory retirement age of 65 disappear on 1 October 2011. No further letters giving six months compulsory notice of retirement under the existing DRA (Default Retirement Age) regulations can be issued after 30 March 2011.

The policy will be kept under review as there may be further changes to the law in this area.

#### **When does it not apply?**

The new policy of having no Default Retirement Age (DRA) will apply to all staff.

### **What are the main points?**

#### Removal of existing retirement procedure

1. Although Wiltshire Council's official retirement age up to now has been 65 you have had the right to request to work longer. A fair procedure needed to be followed including notification of retirement within specific time limits, discussion meetings and the right of appeal if your request was turned down.

However, providing this fair procedure was followed correctly you could still be dismissed on the grounds of retirement and could not pursue the matter any further.

2. This procedure is now being phased out.

#### Transitional Arrangements

3. Up to 30 September 2011 the council can still issue you with a compulsory 6 month retirement letter if your 65<sup>th</sup> birthday falls on or before this date and the letter is received by 30 March 2011.
4. The fair retirement procedure introduced by the Employment Equality (Age) Regulations 2006 and now part of the Equality Act 2010 would still need to be followed.
5. This means that no compulsory retirement letters can be issued to any employee after 30 March 2011.

#### New Arrangements from 1 October 2011

6. There will no longer be a Default Retirement Age from 1 October 2011 and you can remain in your position beyond age 65 until you choose to retire providing your performance remains satisfactory.
7. From 1 October 2011 if you are asked to retire because of your age this will be both unfair dismissal and age discriminatory.
8. If you have already been served with a notice of retirement and the date of retirement given is after 30 September 2011 this will no longer be valid with the new legislation and the retirement cannot take place unless you want it do so.

#### Management of Employees

9. Your manager will continue to have work place discussions and appraisals with you.
10. These discussions can look at your performance to date, future performance, developmental needs, plans within the organisation and your aims and aspirations etc. etc.
11. You may want to use these work place discussions with your manager to request changes to your work pattern, flexible working or applying for a different role within your department or the council. Your manager would need to give serious consideration to any such request.
12. Should there be any issues with your performance or conduct these will be dealt with by following the appropriate Wiltshire Council policy such as disciplinary, improving work performance, grievance, dignity at work, sickness absence management etc.

#### Future Legislation

13. It is expected that the government may issue further guidelines and legislation on age retirement that could cover insured benefits and occupational pension schemes that may affect the over 65s.

#### **Roles and responsibilities**

##### Employee responsibilities

14. If your date of retirement falls within the transitional period ending 30 September 2011 and you are given 6 months written notice by 30 March 2011 you will need to follow the procedure as set out in that letter.
15. Continue to participate constructively in normal work place discussions, one to ones and appraisal discussions with your manager.
16. When you decide that you want to retire have an appropriate conversation with your manager.

##### Line manager responsibilities

17. Follow the correct procedure for any of your staff who fall within the transitional arrangement period. This is where they reach their retirement age before 30 September 2011 and have received written notification about this by 30 March 2011. Liaise with your HR Advisor for advice on this.

18. After 30 March 2011 no further notification of retirement letters can be sent out and you cannot discuss with your individual members of staff the subject of retirement unless they bring the matter up.
19. Give proper consideration to any requests received from a member of staff to work flexibly, change work patterns or change roles.
20. Continue to have regular work place discussions and appraisals with your staff and where necessary deal with any work place issues using the appropriate Wiltshire Council procedure.
21. Meet with any employee who has already been issued with a retirement notification letter with a retirement date after 30 September. The retirement is no longer valid and cannot go ahead unless the employee wishes it to do so. Amend any forms that may have already been sent to HR Payroll Administration.

#### HR responsibilities

22. Provide advice to managers on the new age retirement legislation and the transitional arrangements. Support managers with any performance issues.
23. Check on any employees who have already received retirement letters with a retirement date after 30 September 2011 and take remedial action as this will no longer be a valid retirement under the new legislation.

#### Frequently asked questions

24. After the removal of the Default Retirement Age can my manager discuss retirement with me or will this be age discriminatory?

It depends on how this is handled by your manager. You should not be singled out as an older worker but if your manager generally discusses with all his/her employees their future aims and aspirations then that is fine.

25. Once I'm past 65 will my manager be able to discuss work concerns or issues with me?

As an employee of Wiltshire Council if there are issues with your work performance your manager can raise these with you through the normal way at supervisions or by following one of the council's HR policies.

26. If I have indicated in meetings with my manager my retirement intentions and then I change my plans am I held by what has been said in these discussions?

If you have formally submitted your resignation in writing then your manager can hold you to this but if you have just had general discussions then you have not committed yourself to anything.

27. Can I retire at any age?

The normal retirement age in the Local Government Pension scheme is age 65. You can retire earlier, at any time after your 60<sup>th</sup> birthday, but your pension and lump sum may be reduced. You can also continue or join the pension scheme up until your 75<sup>th</sup> birthday. Further details on pension arrangements are available on the Wiltshire pension fund website.

## **Equal Opportunities**

This policy applies equally to all staff.

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the guidance on equal opportunities in ([link to equal opps guidance](#))

## **Legislation**

Employment Equality (Age) Regulations 2006  
Equality Act 2010

Legal advice has been sought on this policy.

## **Advice and guidance**

If you require help in accessing or understanding this policy [\[or completing any of the associated forms\]](#) you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

## **Further information**

There are a number of related policies and procedures that you should be aware of including:

For further information please speak to your supervisor, manager, service director or contact your HR advisor.

Policy author	HR Policy and Reward Team – (MR)
Policy implemented	DD-MM-YYYY
Policy last updated	DD-MM-YYYY