

# Retirement Procedure

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## Alternative Formats

This documentation can be made available in alternative formats such as large print, Braille, disk, audio tape or in an ethnic-minority language upon request. Requests for alternative formats can be made to the Probation Board using the following contact information:

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## 1. **Background**

The Local Government Scheme for Northern Ireland (LGPS NI) changed with effect from 1 April 2015. PBNI employees who are members of the NILGOSC pension scheme were automatically transferred into the new scheme from that date.

Members of pension scheme were notified of the various changes directly by NILGOSC. Employees can also obtain information from the NILGOSC website – [www.nilgosc.org.uk](http://www.nilgosc.org.uk). There is a section on the LGPS (NI) 2015 and also a Members section.

This procedure only deals with the process to be followed when a member of staff is seeking to retire from the employment of the Probation Board for Northern Ireland.

In the 2015 scheme normal pension age (NPA) has been redefined and is the employee's state pension age, subject to a minimum age of 65. If the employee's state pension age increases then normal pension age will also increase meaning that the employee could be older than age 65 before they can receive their pension benefits. Staff can find out their current state pension age at [www.gov.uk/calculate-state-pension](http://www.gov.uk/calculate-state-pension). It may also be shown on the last NILGOSC pension benefit statement.

Pension benefits will be reduced if they are claimed before normal pension age and increased if they are not claimed until after that time.

The Probation Board for Northern Ireland has developed a Retirement Policy and this Retirement Procedure to establish a clear course of action which will ensure the timely, fair and consistent treatment of employees in the process of retirement. PBNI also recognises that some staff will wish to retire or partially retire (flexible retirement) from employment before their NPA.

The procedure ensures that PBNI complies with pension regulations. Employers are required to formulate, publish and keep under review a policy statement in relation to the exercise of a number of discretions under the NILGOSC pension scheme. The Board has set out its Statement of Policy on Discretionary Provisions under the:

- Local Government Pension Scheme (NI) 2014 Regulations
- Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (NI) 2014
- Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations (NI) 2009]
- Local Government (Early Termination of Employment) Discretionary Compensation) Regulations (NI) 2007)

The Statement of Policy on Discretionary Provisions and should be read in conjunction with this Retirement Procedure.

## 2. Purpose

This procedure supplements the PBNI Retirement Policy. The procedure provides a framework of best practice guidance when handling requests for retirement and the points to be considered.

## 3. Principles

Processes followed to deal with retirement will be in accordance with the Retirement Policy.

## 4. Types of Retirement

It is helpful to understand the intentions of employees with regard to their future career and retirement plans, as far as possible, to enable the PBNI to undertake workforce planning. The PBNI would encourage staff to engage in open and transparent discussions with their line manager as early as possible in their deliberations.

It is acknowledged that individual intentions to retire can change due to a variety of personal circumstances and any informal discussions will only progress formally once formal notice has been given.

The following are the various types of retirement:

- Retirement at normal pension age (NPA)
- Early retirement from age 55
- Flexible retirement from age 55
- Early retirement through redundancy
- Retirement on ill-health grounds
- Late retirement up to age 75

## 5. Retirements

### 5.1 Retirement at normal pension age or over

Employees who are members of the NILGOSC Pension Scheme can elect to retire and receive their Scheme benefits in full once they have reached normal pension age.

**When a member of staff has made a definite decision to retire at NPA or over they should initially discuss with their line manager, and should then contact the Human Resources Department, in writing, at least 3 months in advance advising of this decision.**

This is to enable the Human Resources Department to obtain a retirement quotation from NILGOSC on the amount of pension benefits due to the employee, and to ensure adequate time to process in line with the retirement date provided by the employee.

When the retirement quotation has been received from NILGOSC, the member of staff will be contacted by Human Resources, providing details of the quotation and seeking confirmation that the retirement is to proceed as requested.

Human Resources will then process the retirement in line with any agreed retirement date, including notification to NILGOSC to enable payment of pension benefits.

## **5.2 Early Retirement between age 55 and NPA**

5.2.1 From April 2015 employees who are members of the NILGOSC Pension Scheme can choose to retire and claim their pension at any time from age 55 onwards.

The employee **does not require employer consent** to retire earlier than their NPA. However pension benefits may be reduced as they are being paid early.

The 85 year rule protections for those members subject to the 85 year rule (must have been a member of the pension scheme on 30 September 2006) continue to automatically apply to benefits from both the pre and post 2015 membership if the benefits are drawn from age 60 onwards.

**However the 85 rule does not automatically apply to retirements before age 60. The employer can however, subject to their discretions policy, agree to apply the 85 year rule.**

If the employer decides to apply the 85 year rule then the employer would meet the cost of any strain on the pension fund.

**If the employer does not apply the 85 year rule then the member would meet the cost of the strain on the pension fund by an actuarial reduction to their pension.**

Details on the 85 year rule and protections are set out in appendix 1.

It is important that employees obtain an estimate of their pension benefits including any reduction to their pension, if applicable, before making a decision on early retirement.

Staff should initially discuss their intentions with their line manager and should then submit their request to take early retirement between age 55 and NPA, in writing, to the Human Resources Department.

**Requests should normally be made 6 months in advance of the proposed retirement date however if:**

**The employee is not seeking to have the 85 year rule applied, and is meeting the strain on the pension fund by an actuarial reduction in pension benefits**  
**Or**

**The full 85 year protection applies as set out above and in Appendix 1**

**A shorter timescale between 3 and 6 months may be accepted (see below).**

The 6 month timescale set out above is to enable the Human Resources Department to obtain a retirement quotation from NILGOSC on the amount of pension benefits due to the employee (and if applicable any actuarial costs that may be incurred if the employee is seeking PBNI to apply the 85 rule for early retirement before age 60), and is to ensure adequate time to process in line with this Retirement Procedure and the early retirement date provided by the employee.

When the retirement quotation (and any actuarial costs, if applicable) have been received from NILGOSC, the member of staff will be contacted by Human Resources, providing details of the estimation of pension benefits due.

- 5.2.2 If the employee is not seeking to have the 85 rule applied for early retirement on or after age 55 and before age 60, and is therefore meeting the cost of any strain on the pension fund by an actuarial reduction in pension benefits, then Human Resources will process the retirement in line with any agreed retirement date, including notification to NILGOSC to enable payment of pension benefits.
- 5.2.3 If the employee is seeking the 85 rule to be applied for early retirement on or after age 55 and before age 60 then staff should also provide full details in their request to support their case for early retirement.

Where requests for early retirement are to enable an employee to provide personal care for an elderly or infirm spouse, child, parent, sibling or other dependant he/she must provide medical reports to support his/her case.

Requesting early retirement and the application of the 85 year rule on or after age 55 and before age 60 should not be related to an individual employee's health since specific provision is made within the NILGOSC scheme, and PBNI's Sick Absence Policy and Procedure in that regard.

- 5.2.4 If there is an actuarial cost to PBNI to meet the strain on the pension fund (for applying the 85 year rule on or after age 55 and before age 60), the request will be considered by the Remuneration Committee in line with PBNI's Statement of Policy on Discretionary Provisions, and in accordance with the process set out below.

The Statement of Policy on Discretionary Provisions and should be read in conjunction with this Retirement Procedure.

On receipt of:

- the NILGOSC actuarial costs for applying the 85 year rule and therefore meeting the strain on the pension fund
- any documentation/ information submitted by the employee in support of their request for early retirement on or after age 55 and before age 60

the HR Department will forward to the Director of Probation (as Accounting Officer) who will remit for consideration by the Remuneration Committee.

Each request will be judged equally on its own merits. Whilst not an exhaustive list, consideration will be given to such aspects as:



- Staffing levels and matters of recruitment/retention at the time of the proposed early retirement
- The business case demonstrating financial benefits/costs to the PBNI
- The reasons for the request to retire early
- Whether any other PBNI provision could reasonably be provided, for example, career break, special leave arrangements or reduced working hours (without release of pension benefits) under the Flexible Working Policy and Procedure.
- Business need

Ultimately the final decision will be in relation to affordability.

- 5.2.5 If the Remuneration Committee's decision is to approve the application of the 85 year rule and meet the costs of the strain on the pension fund this will be subject to final approval by the Department of Justice (DOJ) and the Department of Finance and Personnel (DFP).

If final approval is received from the DOJ/DFP, the Human Resources Department will make arrangements to process the early retirement in line with the agreed early retirement date, including notification to NILGOSC to enable payment of pension benefits.

If final approval is not given by the DOJ/DFP, the member of staff will be advised of this in writing by the Human Resource Department.

Employees should note that where the DOJ/DFP does not provide final approval for application of the 85 year rule then there is no right of appeal.

- 5.2.6 If the Remuneration Committee's decision is not to approve the application of the 85 year rule to meet the cost of any strain on the pension fund, the request will not be forwarded to the DOJ/DFP for their consideration and the member of staff will be informed of this in writing by the Human Resources Department.

The member of staff may appeal the decision of the Remuneration Committee not to approve (see section 10.2).

- 5.2.7 As outlined in paragraph 5.2.1 and 5.2.2 employees do not require employer consent to voluntarily retire from age 55 onwards. If the employer does not apply the 85 year rule then the member would meet the cost of any strain on the pension fund by an actuarial reduction to their pension.

Therefore if the employer does not apply the 85 year rule this does not prevent the employee from taking early retirement (subject to their own financial considerations on any reduction in pension).

## **6. Flexible Retirement from age 55**

- 6.1 Flexible retirement is when a member of staff aged 55 or over, and subject to certain conditions, continues working and participating in the scheme (unless they have opted out) and draws their pension (in whole or in part).

Employees must reduce their hours of work (or move to a less senior position on a reduced pay scale, if available - staff should initially discuss this possibility with HR) and can withdraw some or all of their pension benefits helping them ease into retirement.

Employees can only avail of flexible retirement ***with their employer's consent***<sup>1</sup>. Employer's may be charged an actuarial cost for a strain on the pension fund and therefore consent to draw benefits from age 55 or over is an employer's discretion.

If employees request flexible retirement, pension benefits will be reduced on account of early payment (subject to certain protections for pre 2015 members).

It is important that employees obtain an estimate of their pension benefits including any reduction to their pension, if applicable, before making a decision on flexible retirement.

Members of staff seeking flexible retirement are therefore advised to contact the Human Resources Department, in writing, at **least 6 months in advance** of any proposed flexible retirement date. **See also section 6.1.4 on completing a flexible retirement application.**

The 6 month timescale set out above is to enable the Human Resources Department to obtain a flexible retirement quotation from NILGOSC on the amount of pension benefits due to the employee (and, if applicable, any actuarial costs that may be incurred) and is to ensure adequate time to process in line with this Retirement Procedure and the flexible retirement date provided by the employee.

When the flexible retirement quotation, (and any actuarial costs if applicable) have been received from NILGOSC, the member of staff will be contacted by Human Resources, providing details of the estimation of pension benefits due.

Membership will continue in the NILGOSC pension scheme after flexible retirement, until the employee fully retires. In line with Scheme rules employees will be contractually enrolled into the LGPS(NI). Members may however opt out of the Scheme at any stage.

Should members decide to opt-out, an Opt-out Notice can be obtained from NILGOSC as detailed below:

- Download the Opt-out Notice from [www.nilgosc.org.uk](http://www.nilgosc.org.uk)
- Text OPTOUT followed by your name and address to 66101 (the initial text message will incur a one-off charge based on network operator's standard text message rate. However any subsequent text message sent from NILGOSC will be free of charge).
- Email [optout@nilgosc.org.uk](mailto:optout@nilgosc.org.uk)
- Telephone NILGOSC on 0845 308 7346

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<sup>1</sup> In the PBNi employer's consent means that requests for flexible retirement from age 55 and over are initially considered by Board members sitting under the auspices of Remuneration Committee, with final approval being sought from the Department of Justice (DOJ) and Department of Finance and Personnel (DFP).

If employees opt out of the scheme please note that PBNI is required to comply with the automatic enrolment provisions and may automatically enrol employees into the LGPS (NI) at certain times. Staff will be notified if this happens and would then have the right to opt out again.

- 6.1.2 Where there is an actuarial cost to PBNI to meet the strain on the pension fund, the request for flexible retirement will be considered by the Remuneration Committee in line with PBNI's Statement of Policy on Discretionary Provisions, and in accordance with the process set out in paragraph 6.1.5. In addition staff must also complete a flexible retirement application as set out in paragraph 6.1.4.

The Statement of Policy on Discretionary Provisions and should be read in conjunction with this Retirement Procedure.

- 6.1.3 Where there is no actuarial cost to PBNI for a strain on the pension fund then Human Resources will then process the flexible retirement request (subject to line management approval – staff must complete a flexible retirement application as set out in paragraph 6.1.4), and in line with any agreed flexible retirement date, including notification to NILGOSC to enable payment of pension benefits.
- 6.1.4 Staff wishing to avail of flexible retirement must submit a flexible retirement application to their line manager as set out in Appendix 2.

To enable timely consideration of any such request **staff are asked to submit their flexible retirement application at least 6 months** before they wish to avail of flexible retirement.

Completion of an application ensures a fair and consistent approach to all flexible retirement requests.

Staff should note that it may not always be possible to accommodate flexible retirement requests. When considering a request for flexible retirement line managers will evaluate the potential impact of the proposal on the team and the other employees. The line manager must consider the impact of this and what the likelihood is of these hours being replaced by another means.

It is also important to note that any approval of flexible retirement by line management **will only be on the basis of the operational aspect** of the request in terms of reduced working hours being accommodated by the organisation, except where there is no actuarial cost to the PBNI for a strain on the pension fund, when line management approval is sufficient.

Where flexible retirement will incur actuarial costs to PBNI **further approval (employer's consent)** is required under the auspices of the Remuneration Committee and final approval by DOJ/DFP. See section 6.1.2 and section 6.1.5.

- Within 28 days from receipt of the flexible retirement application the Line Manager will arrange to meet with the employee to discuss the application. This provides the Line Manager and the employee with the opportunity to explore the proposed work pattern in depth, and to discuss how best it might be accommodated. **It also provides an opportunity to consider other alternative working patterns should there be problems in accommodating the work pattern outlined in the employee's application.** The employee can, if they wish bring a workplace colleague or trade union representative with them to the meeting.
- Following the meeting the line manager will make a recommendation to either approve or reject the application and will forward this to the Senior Line Manager (SMT) for his/her consideration.
- Following consultation with the line manager the Senior Line Manager (SMT) will either accept the line manager's recommendation that the flexible retirement application be approved or rejected. The Senior Line Manager will ensure that all possible alternatives have been explored within their area of responsibility (eg is the employee willing to work under a job share arrangement and know of another employee also willing to do so ? Can the proposed work pattern be accommodated in another team within the area of responsibility?)
- In cases where an Assistant Director is applying for flexible retirement the Deputy Director (as line manager) will directly either approve or reject the application.
- In cases where a Deputy Director is applying for the flexible retirement the Director (as line manager) will directly either approve or reject the application.
- If approved by line management, the agreement form (see Appendix 2) will be forwarded to the employee and a copy sent to the Human Resources Department (together with a copy of the flexible retirement application).

#### Referral to the Workforce Planning Group

The Workforce Planning Group (WPG) consists of the two Deputy Directors, Head of Human Resources and Head of Finance.

If the Senior Line Manager, having considered the application, the implications within their own area, and possible alternative options, is unable to approve a request for flexible retirement, a bid should be submitted to the WPG to enable consideration of possible wider organisational solutions. The flexible retirement application and rejection form should also be submitted.

The WPG will review the Senior Line Manager's bid, the flexible retirement application and rejection form. The WPG will consider the application within an organisational wide context and will take account of such factors as:

- Burden of additional costs
- Detrimental effect on ability to provide service
- Inability to reorganise work among existing staff
- Inability to recruit additional staff/unable to provide backfill
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

Additionally if the employee has indicated they would be willing to transfer to another location in order to facilitate the proposed work pattern, the WPG will consider if this can be accommodated.

A formal record of the WPG decision will be issued to the Senior Line Manager within 5 working days from the WPG meeting. **Clear reasons for refusal must be provided under one (or more) of the business grounds listed above.**

The Senior Line Manager will relay the decision to the Line Manager, and the Line Manager will advise the employee accordingly.

The Human Resources Department will receive a copy of the WPG outcomes and will either provide written confirmation of approval and terms and conditions of the flexible retirement, or alternatively refusal of the flexible retirement application, including the business grounds for refusal, and the right to appeal.

- 6.1.5 Where there is an actuarial cost to PBNI to meet the strain on the pension fund, the request for flexible retirement will be considered by the Remuneration Committee in line with PBNI's Statement of Policy on Discretionary Provisions, and in accordance with the process set out below.

In addition to submitting a flexible retirement application, staff should provide full details in their request to support their case for flexible retirement. Where requests for flexible retirement are to enable a member of staff to provide personal care for an elderly or infirm spouse, child, parent, sibling or other dependant he/she must provide medical reports to support his/her case.

On receipt of:

- the NILGOSC actuarial costs for a strain on the pension fund
- the flexible retirement application and agreement form signed by line management
- any documentation/ information submitted by the member of staff in support of their request

the HR Department will forward to the Director of Probation (as Accounting Officer) who will remit for consideration by the Remuneration Committee.

Each request will be judged equally on its own merits. Whilst not an exhaustive list, consideration will be given to such aspects as:

- Staffing levels and matters of recruitment/retention at the time of the proposed early retirement
- The business case demonstrating financial benefits/costs to the PBNI
- The reasons for the request to retire early.
- Whether any other PBNI provision could reasonably be provided, for example, career break, special leave arrangements or reduced working hours (without release of pension benefits) under the Flexible Working Policy and Procedure.
- Business need

Ultimately the final decision will be in relation to affordability.

- 6.1.6 If the Remuneration Committee's decision is to approve the request for flexible retirement from age 55, this will be subject to final approval by the Department of Justice (DOJ) and the Department of Finance and Personnel (DFP).

If final approval is received from the DOJ/DFP, the Human Resources Department will make arrangements to process the flexible retirement arrangement, in line with the agreed flexible retirement date, including notification to NILGOSC to enable payment of pension benefits.

If final approval is not given by the DOJ/DFP, the member of staff will be advised of this in writing by the Human Resource Department.

Employees should note that where the DOJ/DFP reject an application for flexible retirement from age 55, that there is no right of appeal.

- 6.1.7 If the Remuneration Committee's decision is not to approve the flexible retirement request from age 55, the request will not be forwarded to the DOJ/DFP for their consideration and the member of staff will be informed of this in writing by the Human Resources Department. The member of staff may appeal the decision of the Remuneration Committee not to approve the flexible retirement request (see section 10.1).

## **7. Early Retirement through Redundancy**

If a redundancy situation is to occur the PBNI Redundancy Policy and Procedure will be adhered to. In such circumstances staff at risk of redundancy will be invited to a meeting with a Deputy Director with responsibility for their area of employment and will have the right to be accompanied by a trade union representative or work colleague.

If a member of staff (aged 55 or over) is retired on the grounds of redundancy they will be entitled to the immediate payment of pension benefits without any early retirement reductions.

## **8. Retirement on Ill Health grounds**

If an employee has to leave work at any age before normal pension age due to permanent ill-health which prevents them from doing their job, and they have at least two year's membership of the NILGOSC scheme, then the scheme provides a tiered ill-health retirement package.

The Sick Absence Policy and Procedure will be followed in such circumstances.

## **9. Late retirement up to age 75**

There is no requirement for a member of staff to retire at normal pension age(NPA). Staff can therefore decide to continue working beyond their NPA.

In such circumstances employees will continue in PBNI employment, pay contributions to the NILGOSC pension scheme and accrue further benefits.

If pension is drawn after NPA it will be increased to reflect the fact that it will be paid for a shorter time.

No action will be taken by the Human Resources Department to process retirement for employees approaching their NPA, and staff will therefore continue to be employed by the PBNI until such time as they notify HR that they wish to retire/flexibly retire.

It should be noted however that under NILGOSC regulations members must leave the scheme two days before their 75<sup>th</sup> birthday.

## **10. Appeals Processes**

The decision to retire is, in the main, a voluntary process for employees. It is an individual choice staff make, taking into account their own personal circumstances, financial situation and pension benefits.

In some cases however it is not simply an elective process and other factors must be taken into consideration by the PBNI as the employer.

When a decision has been made not to approve an early retirement or flexible retirement request, a member of staff may make an appeal as appropriate as set out below.

## 10.1 Flexible Retirement – Rejection of Application by Line Management.

**This appeals process applies where an application has been rejected by line management as set out in section 6.1.4**

An employee can use the appeals procedure if he/she can provide evidence that:

- the process used by the PBNI is flawed  
or
  - he/she considers the decision to be unfair or unreasonable.
- a) Employees must exercise their right of appeal, in writing, within 10 working days of being notified of the decision to the Director of Probation, using the appeals form set out in Appendix 2. This 10 working days limit may be extended by mutual agreement.
  - b) Should the decision have been taken by Director of Probation an appeal will be heard by a panel of members of the Board.
  - c) In the case of (c) the appeal should be sent to the Board Secretary.
  - d) The appeal hearing will normally take place within 10 working days of the receipt of the appeal request. In exceptional circumstances the appeal may not be heard in 10 days.
  - e) The employee has the right to be accompanied to the hearing by a trade union representative or work colleague.
  - f) The Head of HR or the nominated deputy will be in attendance at the hearing and will advise the Director on points of process or relevant employment law.
  - g) The Director will present a summary of the issues raised at appeal.
  - h) The Director will invite the employee or their representative to present his/her case.
  - i) The Director should give his/her decision/outcome of the appeal to the employee and reasons in writing within 5 working days. The outcome of the appeal could be to:
    - Uphold the original decision by line management not to approve the flexible retirement
    - Over-rule the original decision by line management and grant approval for the flexible retirement
  - j) If the original decision by line management is over-ruled and the flexible retirement granted, and where an actuarial cost to the employer is being applied due to a strain on the pension fund, this request will still be subject to further approval by the Remuneration Committee and DOJ/DFP as appropriate as set out in section 6.1.5.
  - k) The decision following the appeal shall be final and there will be no further internal right of appeal.



## 10.2 Early or Flexible Retirement from age 55 Consent not given by the Remuneration Committee

**This appeals process applies when consent has not been given by the Remuneration Committee for:**

- **Early retirement where** employee is seeking the 85 rule to be applied on or after age 55 and before age 60 and PBNI as the employer is being charged an actuarial cost for a strain on the pension fund
  - **Flexible retirement from age 55 where** PBNI as the employer is being charged an actuarial cost for a strain on the pension fund
- or**
- a) An employee has the right to appeal against a decision to a full panel of Board Members.
  - b) Employees must exercise their right of appeal, in writing, to the Board Secretary, within 10 working days of being notified of the decision, giving a statement of the case and grounds for appeal. This 10 working day limit may be extended by mutual agreement. The employee should provide:
    - A statement of the case and the grounds for appeal
    - A copy of any documentary evidence they intend to rely on at appeal the hearing.
  - c) Additionally it will be necessary for the Board Members to review the previous information provided to the Remuneration Committee under either sections 5.2.4 and 6.1.5, and to consider the appeal taking into account the aspects outlined in those sections.
  - d) The appeal hearing will normally take place at the next scheduled monthly Board Meeting.
  - e) The employee has the right to be accompanied to the hearing by a trade union representative or work colleague
  - f) The Board Secretary will be in attendance at the hearing. He/she will reserve the right to seek HR advice as necessary.
  - g) The Chairman will present a summary of the issues raised at appeal.
  - h) The employee or his/her representative will be invited to present his/her case to the Board Members.
  - i) The Board Secretary will issue the decision/outcome of the appeal to the employee and the reasons in writing within 5 working days. The outcome of the appeal could be to:
    - Uphold the original decision not to approve the early/flexible retirement application
    - Over-ride the original decision and grant approval for early/flexible retirement subject to final approval by the DOJ/DFP.
  - j) The decision following the appeal shall be final and there will be no further internal right of appeal.

### **10.3 Retirement through Redundancy**

Where retirement occurs as a result of a redundancy employees have a right of appeal as set out under the Redundancy Policy and Procedure.

### **10.4 Retirement on Ill-health grounds**

Where retirement on ill-health grounds occurs employees have the right of appeal as set out under the Sick Absence Policy and Procedure.

Further details on pension arrangements and a number of guidance publications can be found from the Members Section on the NILGOSC website [www.nilgosc.org.uk](http://www.nilgosc.org.uk)

## **The 85 Year Rule and Protections**

The Rule of 85 refers to a provision of the pension scheme which allowed members who retired early to take their pension without reduction, if the sum of their age and length of membership equalled 85 years or more.

The Rule of 85 has been abolished from 1 October 2006 in order to comply with the European Union Directive on Age Discrimination. Anyone who joined the pension scheme after 30 September 2006 will have their pension benefits reduced if they retire before their normal pension age to take account of early payment.

Existing members, who were contributing to the pension scheme on 30 September 2006, have some Rule of 85 protections. These protections are as follows:

- All existing members at 30 September 2006 are protected until 31 March 2008 ie the benefits accrued up to 31 March 2008 will be protected under the 85 year rule.
- Those existing members at 30 September 2006 who will be 60 or over and meet the rule of 85 by 31 March 2016 are fully protected ie the benefits accrued to 31 March 2016 will be protected under the 85 year rule.
- Those existing members at 30 September 2006 who will be 60 or over and meet the rule of 85 between 1 April 2016 and 31 March 2020 will have full rule of 85 protection to 31 March 2008 and have some rule of 85 protection, on a sliding scale, to 31 March 2020.

**However the 85 year rule does not automatically apply to retirements before age 60. The Employer can however, subject to their discretions policy, agree to apply the 85 year rule.**



**FLEXIBLE RETIREMENT  
APPLICATION FORM**

NAME	<input type="text"/>	GRADE	<input type="text"/>
TEAM	<input type="text"/>	CONTACT NO:	<input type="text"/>

**Please refer to the Flexible Retirement Procedure Section 6 before completing this application.**

Staff should note that it may not always be possible to accommodate flexible retirement requests. When considering a request for flexible retirement line managers will evaluate the potential impact of the proposal on the team and the other employees. The line manager must consider the impact of this and what the likelihood is of these hours being replaced by another means.

**NB: It is also important to note that any approval of flexible retirement by line management will only be on the basis of the operational aspect of the request in terms of reduced working hours being accommodated by the organisation, except where there is no actuarial cost to the PBNI for a strain on the pension fund, when line management approval is sufficient. Where flexible retirement will incur actuarial costs to PBNI further approval (employer's consent) is required under the auspices of the Remuneration Committee and final approval by DOJ/DFP. See section 6.1.2 and section 6.1.5.**

Describe your current work pattern (eg full-time/part-time – days/hours/times worked)

*Continue on a blank sheet if necessary*

Describe your proposed work pattern under flexible retirement

Continue on a blank sheet if necessary

Describe how this change in your work pattern will affect the work of your team and your colleagues

Describe the effect you think this will have on your team and colleagues and how it can be dealt with

Continue on a blank sheet if necessary

Before submitting this form to management for consideration you may wish to consult with the Human Resources Department and/or a trade union representative, as this may result in changes to your contract of employment.

I have read and understood the Retirement Policy and Procedure which may have an effect on my conditions of service. I confirm that I have considered the effect of this request on:

- My pay
- My tax and national insurance contributions
- My pension
- My holiday entitlement and other benefits
- My colleagues' and the team's workload
- I understand this will lead to a change in the terms and conditions of my contract of employment.

I request this change to my working pattern from  DD/MM/YYYY

Please tick as appropriate ✓

My request for flexible retirement is on the basis that I am at my NPA

My request for flexible retirement is on the basis that I am aged between age 55 and NPA

**Flexible Retirement applications should be submitted to the line manager at least 6 months prior to the proposed change in work pattern.**

Signed:

Date:

When completed this form should be given to your line manager for consideration. Your line manager will arrange to meet with you to discuss your application within 28 days of it being submitted.

Following the meeting the line manager will make a recommendation to the Senior Line Manager (SMT) to either approve or reject your application.

After consultation with the Senior Line Manager a decision will be made. If the decision is to reject your flexible retirement application, this will be further considered by the Workforce Planning Group.

**Note:**

In cases where an Assistant Director is applying for the flexible retirement the Deputy Director (as line manager) should directly either approve or reject the application.

In cases where a Deputy Director is applying for the flexible retirement the Director (as line manager) should directly either approve or reject the application.

**BLANK SHEET (for continuation if necessary)**



**Manager's Confirmation of Receipt (to be completed and returned to employee)**

To:

Location:

Dear

I confirm that I received your request for flexible retirement:

Date:  (date request received) DD/MM/YYYY

I shall be arranging a meeting to discuss your application within 28 days following this date. In the meantime you may wish to consider whether you would like a colleague or a representative of a recognised trade union to accompany you at the meeting.

From:  (Manager)

Date  DD/MM/YYYY



**FLEXIBLE RETIREMENT  
AGREEMENT FORM**

**To be completed within 14 days of the meeting held with the employee and following consultation with the Senior Line Manager (SMT).**

Line Manager's Name:  Job Title:

Team:  Contact No:

Employee's Name:  Job Title:

Following receipt of the above-named employee's application for flexible retirement and our meeting held on  I have considered the application.

When considering a request for flexible retirement line managers must evaluate the potential impact of the proposal on the team and the other employees. The line manager must consider the impact of this and what the likelihood is of these hours being replaced by another means. Managers, for example, should consider such matters as:

- Burden of additional costs
- Detrimental effect on ability to provide service
- Inability to reorganise work among existing staff
- Inability to recruit additional staff/unable to provide backfill
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

**NB: Please do not approve an application for flexible retirement before establishing if backfill is available or confirm if backfill is not required.**

Please record considerations taken into account

Continue on a blank sheet if necessary

I recommend that the request for flexible retirement be approved.

I am unable to accommodate the original request. However, I am able to offer the alternative pattern which was discussed and agreed would be suitable to the employee. I recommend approval.

I reminded the employee that this change will have implications for his/her pay, pension and other benefits.

The new proposed flexible retirement working arrangement recommended for approval is as set out below and includes proposed start date.



**FLEXIBLE RETIREMENT AGREEMENT FORM**

Continue on a blank sheet if necessary

Proposed Start Date:

DD/MM/YYYY

Signed by

Line Manager:

Date:

**When completed this form should be sent to the Senior Line Manager (Senior Management Team).**

**Note:**

In cases where an Assistant Director is applying for the flexible retirement the Deputy Director (as line manager) should directly either approve or reject the application.

In cases where a Deputy Director is applying for the flexible retirement the Director (as line manager) should directly either approve or reject the application

**Senior Line Manager (SMT) Considerations**

Senior Line Managers should review the considerations taken into account by the Line Manager and discuss accordingly before making a decision on whether to concur with the Line Manager's recommendation to approve the request. Consultation should also take place between the Line Manager and Senior Line Manager.

**NB Please do not agree to approve an application for flexible working before establishing if backfill is available or confirm that backfill is not required.**

Please record any discussion with the line manager and any further considerations taken into account.

Please continue on a blank sheet if necessary

I agree with the line manager's recommendation that this flexible retirement arrangement be approved.

Signed by  
Senior Line Manager

Date:

A copy of this agreement form should be sent to the employee and Human Resources together with the Flexible Retirement Application.

**BLANK SHEET (for continuation if necessary)**

**To be completed within 14 days of the meeting held with the employee and following consultation with the Senior Line Manager (SMT).**

Line Manager  Job Title

Team  Contact No

Employee's Name  Job Title

Following receipt of the above-named employee's application for flexible working and our meeting I held on  have considered the application.

When considering a request for flexible retirement arrangements line managers must evaluate the potential impact of the proposal on the team and the employees. If the request is for a reduction in hours then the line manager must consider the impact of this and what the likelihood is of these hours being replaced by another means. Managers, for example, should consider such matters as:

- Burden of additional costs
- Detrimental effect on ability to provide service
- Inability to reorganise work among existing staff
- Inability to recruit additional staff/unable to provide backfill
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

Please record considerations taken into account.

Continue on a blank sheet if necessary

I am unable to recommend the request be approved for the following business reasons and on the grounds set out below (include reasons why other work patterns you may have discussed at the meeting are also inappropriate).

Continue on a blank sheet if necessary

Signed by  
Line Manager:

Date:

**When completed this form should be sent to the Senior Line Manager (Senior Management Team).**

**Note:**

In cases where an Assistant Director is applying for the flexible retirement the Deputy Director (as line manager) should directly either approve or reject the application.

In cases where a Deputy Director is applying for the flexible retirement the Director (as line manager) should directly either approve or reject the application



**Senior Line Manager (SMT) Considerations**

Senior Line Managers should review the considerations taken into account by the Line Manager and discuss accordingly before making a decision on whether to concur with the Line Manager’s recommendation to reject the request. Consultation should also take place between the Line Manager and Senior Line Manager.

Please record discussion outcomes with Line Manager and any further considerations taken into account.

Please continue on a blank sheet if necessary

I agree with the line manager’s recommendation that this flexible retirement request (or any other work pattern discussed with the employee) cannot be approved.

Signed by Senior Line Manager:  Date:

**The Senior Line Manager should submit a bid to the Workforce Planning Group to enable consideration of possible wider organisational solutions. The flexible retirement application and rejection form should also be submitted.**

**BLANK SHEET (for continuation if necessary)**

**FLEXIBLE RETIREMENT  
APPEAL FORM**

To be completed and sent to the Director of Probation within 10 working days of being notified of the decision.

If the original decision was taken by the Director an appeal should be sent to the Board Secretary within 10 days or receipt of the decision to reject the application.

I wish to appeal against the decision to refuse my flexible retirement application. I am appealing on the following grounds:

Please tick as appropriate ✓

- the process used by the PBNI is flawed
- or
- the decision is unfair or unreasonable

NAME  GRADE

TEAM  CONTACT NO:

I wish to appeal the decision to refuse my application for flexible retirement. I am appealing on the following grounds:

**FLEXIBLE RETIREMENT  
APPEAL FORM**

NAME

GRADE

**BLANK SHEET (for continuation if necessary)**