

<b>Reference Number: UHB 481</b> <b>Version Number: 1c</b>	<i>Date of Next Review: 30.09.2023</i> <i>Previous Trust/LHB Reference Number:</i>
<b>RETIRE AND RETURN PROCEDURE</b>	
<p><b>Introduction and Aim</b></p> <p>Cardiff and Vale University Health Board (the UHB) is committed to developing and maintaining arrangements which make it a great place to work and learn, and to the delivery of a quality service. We recognise that our staff are fundamental to our success and want to ensure that we retain the valuable knowledge, skills and experience of our workforce.</p> <p>The UHB recognises the need to retain the investment in knowledge, skills and experience of staff, both now and in the future. Flexible retirement options are key in achieving this and should be considered favourably unless there is a clear business reason for not doing so.</p> <p>This Procedure informs staff who are approaching retirement and are considering making an application to Retire and Return about the principles, process and rules which need to be followed.</p> <p>We will not discriminate, either directly or indirectly, on the grounds of any of the characteristics protected by the Equality Act 2010 or any other personal characteristic in the implementation of this policy.</p>	
<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• To detail the processes and procedures relating to the NHS Pension Retire and Return Option within the UHB</li> <li>• Reduce inconsistencies across the Health Board</li> </ul>	
<p><b>Scope</b></p> <p>This scheme is open to all employees of the UHB who are members of the NHS Pension Scheme.</p>	
<p><b>Equality and Health Impact Assessment</b></p>	<p>These Guidelines are covered by the <a href="#">Adaptable Workforce Policy EHIA</a> – this found there to be a positive impact</p>
<p><b>Documents to read alongside this Procedure</b></p>	<p><a href="#">Adaptable Workforce Policy Retirement Procedure</a></p>

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	<a href="#">2015 NHS Pension Scheme Guide</a> <a href="#">1995/2008 Scheme Guide</a> NHS Pensions ' <a href="#">Jargon Buster</a> ' NHS Working Longer Group <a href="#">Flexible Retirement Options</a> <a href="#">Re-employment of staff in receipt of NHS Pension Scheme benefits – Guidance for employers and staff (Dept of Health)</a> <a href="#">Equality, Inclusivity and Diversity Policy</a> <a href="#">NHS Wales Flexible Retirement Minimum Standards</a>
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<p><b><u>Disclaimer</u></b></p> <p><b>If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or the <a href="#">Governance Directorate.</a></b></p>	

<b>Summary of reviews/amendments</b>			
<b>Version Number</b>	<b>Date Review Approved</b>	<b>Date Published</b>	<b>Summary of Amendments</b>
1	30.09.2020	20.10.2020	<p>Replaces previous NHS Pension Retire and Return Procedure (no ref/version number)</p> <p>Applications to retire and return to same job on same hours will be automatically approved</p> <p>When returning to the same job on the same hours, the individual will return on the same contractual basis</p> <p>If an application to retire and return on different hours is rejected it must be for one of the 6 business reasons used for Flexible Working</p> <p>Appeals process built in</p>

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			Requirement for staff to have a 2 week break reduced to 24 hours  Temporary COVID-19 Bill changes highlighted
1a	16.12.2021	18.01.2022	Temporary COVID-19 Bill changes removed
1b	16.03.22		Temporary COVID measures re-incorporated following government consultation and further extension to October 2022
1c	29.06.22	09.09.22	NHS Wales Flexible Retirement Minimum Standards incorporated

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## TEMPORARY CHANGES INTRODUCED IN RESPONSE TO COVID-19

The COVID-19 bill provided powers to suspend the 16-hour rule, which previously prevented staff who return to work after retirement from the 1995 NHS Pension Scheme from working more than 16 hours per week in the first four weeks after retirement. This enables skilled and experienced staff who have recently retired from the NHS to return to increase their commitments on their return to work without having their pension benefits suspended.

This is a temporary suspension but with no end date issued at present. Managers and staff are therefore strongly advised to determine whether or not the 16 hour rule applies at the time of their retirement.

### 1 FLEXIBLE RETIREMENT

Within the NHS Pension Scheme, there are a number of options that allow changes to the way in which people work without a major or negative impact on their future pension. These retirement options provide flexibility regarding the age at which an employee retires, the length of time an employee takes to retire, or the nature and intensity of work in the lead up to final retirement.

Flexible retirement arrangements can support longer working and can also benefit staff by:

- Supporting work/life balance considerations including caring responsibilities and flexible working
- Allowing staff to prioritise their own health and wellbeing
- Allowing skills, knowledge and experience to be retained whilst changing the physical demands of work and working arrangements (e.g. responsibilities, shift patterns)
- Providing a range of choice about an individual's approach to retirement or working longer

Managers and staff should ensure that they discuss any flexibilities around retirement as early as possible and reach agreement about how they will be applied on an individual basis. These discussions are encouraged and could be mutually beneficial to both the organisation and individual, and will not impact negatively on the individual's career progression.

The flexible retirement options that may be available to individuals depend on what part of the Pension Scheme they are in. They can find out which section

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of the scheme they are in through their Total Reward Statement. From April 2015 employees may have membership in more than one part of the scheme so they will need to ensure that if they wish to take up flexible retirement, the option they choose to apply for is applicable to their pension membership.

Before making an application staff are recommended to look at the up to date information on the [NHS Pensions Website](#) and to talk to the Pensions team within NWSSP Employment Services.

In addition, for certain categories of staff e.g. those with Special Class Status within the NHS Pension Scheme, abatement rules could apply to their earnings. It is important that individuals understand if this will apply to them, and what the potential implications are, before making an application to Retire and Return.

More information on each of these options is available in the [UHB Retirement Procedure](#).

Employees may also wish to attend a pre-retirement training course which can be booked through the Learning, Education and Development team.

## 2 GENERAL PRINCIPLES

- 2.1 Within Cardiff and Vale UHB the most frequently requested Flexible Retirement Option is from staff who wish to retire, access their pension and return to work whilst in receipt of their pension benefits. The remaining sections of this Procedure outline what employees and managers need to do and what affect it has on their terms and conditions of employment.

**Given the complexities of the various pension schemes that the NHS operates, it is vital that all employees obtain pension information that is relevant to their own personal circumstances before making any decisions regarding their retirement.**

- 2.2 While returning to work after retirement is not an automatic entitlement, managers are encouraged to support applications wherever possible. Individual should be able to return on the same basis as they were pre-retirement (unless they choose to apply for a lower banded post) with no requirement for this to be reviewed annually or for fixed term contracts to be used unless good business reasons determine that this is necessary. Where these business reasons exist, they should be given to the individuals in writing to ensure transparency around the decision making process. These determinations should be based primarily on the role but can also consider the individual and their individual circumstances.

All employees of the UHB (including Medical and Staff), who wish to retire, access their pension and become re-employed by the UHB need to apply

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formally. Employees do not have a right to retire and return and the UHB is under no obligation to approve any request. Approval of requests will depend upon the needs of the service, including any opportunities for service redesign and succession planning, both in the long and short term. However, within Cardiff and Vale UHB, if the application is to return to the **same role and on the same hours** it will be approved automatically.

**2.3** When an employee retires from work, they are in fact resigning. If they return to work for the UHB they will be issued with a new contract of employment.

**2.4** A retirement creates a vacancy and this must be managed in the same way as any other vacant post according to current policy.

In considering the replacement of the retiring employee, the Department, Directorate or Clinical Board must ensure that they address any opportunities that arise for service redesign and succession planning to provide more effective and efficient service delivery.

**2.5** 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 below)

**2.6** ALL employees taking the Retire and Return Option must take a 24 hour break (not annual leave) between the date of retirement and the date of re-employment. The 24 hour break **must** be extended if the individual is due to be paid for any outstanding annual leave on their date of termination.

**2.7** NHS Redundancy payments are based on reckonable service. Where the employee has previously been given pension benefits, any employment that has been taken into account for the purposes of those pension benefits is not counted as reckonable service. Therefore, any entitlement to future NHS Redundancy payment would be based on the post-retirement service (i.e. from the date on which the employee re-commences their employment following their retirement).

**2.8** If an employee retires, their employment is terminated and this breaks their continuous service. As pay protection provisions are based on continuous service, any protection provisions would be based on the post-retirement service (i.e. from the date on which the employee re-commences their employment following their retirement).

**2.9** Depending on which section of the Pension Scheme the individual is in, they may only be able to work for 16 hours per week on their return to work (see section 3.10) (n.b. this requirement is temporarily suspended in response to the COVID-19 pandemic)

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### **3 RETIRE AND RETURN PROCESS**

**3.1** The employee should complete part 1 of the appropriate form and submit it to their line manager, providing at least 5 months' notice.

#### **3.1.1 Retiring and returning to the same post and on the same hours**

Where an employee requests to retire, access their pension, and return to employment in the same post and on the same hours, their application will automatically be supported by the line manager. They should return on the same employment basis as they were pre-retirement if they are returning to the same post and on the same hours (ie if they were on a substantive contract pre-retirement, they should also return on a substantive basis).

The line manager will complete part 2 of the appropriate form and forward it to the relevant Clinical Board Director of Operations/Director of Nursing or Executive for approval. The employee will be provided with a signed copy as written confirmation that their application has been approved.

n.b. there may be exceptional circumstances when this is not possible or would not be beneficial to the individual (e.g. at times of planned organisational change) and HR guidance should be sought.

#### **3.1.2 Retiring and returning to the same post but on different hours**

Where an employee requests to retire, access their pension, and return to employment in the same post but on different hours, they should discuss this with their Line Manager in the same way as they would for any other change to their employment status (e.g. reducing to part time hours without retiring). Such applications should be looked upon favourably and supported if at all possible.

Applications of this nature should only be rejected for one of the following business reasons:

- the burden of additional costs
- an inability to reorganise work
- an inability to recruit additional staff
- a detrimental impact on quality or performance or to meet customer demand
- insufficient work for the periods the employee proposes to work
- a planned structural change

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Under these circumstances consideration may be given to utilising a fixed term contract as long as there are sound business reasons to justify this, and it is determined on the basis of the role, not the individual or their individual circumstances. However, it should be noted that the spirit of this Procedure is for individuals to return on the same basis as they were pre-retirement and not for this to be reviewed annually or for fixed term contracts to be used unless one of the business reasons outline above determine that this is necessary.

The Line Manager will complete Part 2 of the form and forward it to the relevant Clinical Board Director of Operations/Director of Nursing or Executive for consideration. If the Line Manger is recommending that an application should be refused, the views of the relevant professional leads, Finance and Workforce and OD should also be considered

The employee will be given a copy of the completed form either as confirmation that their application has been approved, or to outline the business reasons for rejecting their application.

### 3.1.3 **Retiring and returning to a different post**

Where a new post is being created for the returning employee as part of service redesign, the Line Manager will complete Part 2 of the form indicating whether or not they believe the application should be approved on the basis of service needs and the benefits to the organisation.

The Line Manager will forward the form to the relevant Clinical Board Director of Operations/Director of Nursing or Executive for consideration, taking into account the views of the relevant professional leads, finance and Workforce and OD. The application must include a matched Job Description/Person Specification, with an allocated ESR number.

If the individual is returning to a post in a different department, they will need to apply for post following the usual recruitment process and be interviewed prior to the agreed termination date. N.B. if the individual is returning to a post in a different department, they are responsible for informing their new manager that they cannot start until after the 24 hour break and that they may (depending on the section of the Pension Scheme) have to work restricted hours initially (see section 3.10).

### 3.1.4 **Medical/Dental Consultants**

If a Consultant wishes to Retire and Return, a Business Case and proposed Job Plan will need to be prepared for consideration by the Clinical Board team prior to submission to the designated Executives Directors (Medical Director, Chief Operating Officer and Executive



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Director of Finance) for final approval.

Any job plan will normally be for no more than 10 session (or pro rata).

- 3.2** If the application is rejected the Line Manager must meet with the employee to inform them of this and ensure that they are aware of the rationale for the decision. This must also be confirmed in writing.

If an application to Retire and Return is turned down, the employee has the right to appeal against the decision. Appeals should be put into writing, setting out the grounds for appeal, within 14 days after receiving notice of the decision to reject the application.

The appeal form should be submitted to the line manager's manager, and considered by a more senior manager than the one who rejected the original application.

- 3.3** If the application is approved, the line manager must meet the employee to confirm the approval and the terms of the agreement. As part of this process, the Line Manager must contact the NWSSP Payroll Department to confirm which section of the NHS Pension Scheme the employee is member of. This will determine whether the employee can only initially work for 16 hours per week upon their return. (N.B. the requirement to initially work for 16 hours per week has been temporarily suspended in response to the COVID-19 pandemic).

- 3.4** The Line Manager (or the Medical Workforce Department in the case of Medical and Dental staff) will immediately complete a Staff Termination Form and forward this to Payroll Terminations ([payroll.terminations@wales.nhs.uk](mailto:payroll.terminations@wales.nhs.uk)). The reason for leaving on the Staff Termination Form will be "Retirement Age".

NHS Pension Scheme members who plan to retire should complete and return the *Application for Retirement Benefits (AW8)* Form as soon as possible. The form will be provided by NWSSP Pension Department as soon as they are notified of the employee's intention to retire.

- 3.5** The Line Manager will complete the Retire and Return proforma and will forward to the HR Operations Centre/Medical Workforce for processing. A copy of Part 2 of the appropriate form with the written confirmation that the application has been approved should be attached.

On receipt of the Retire and Return proforma, the HR Operations Centre/Medical Workforce will issue an appointment letter and new contract to the employee. A copy will also be sent to the Line Manager to be retained on the personal file.

- 3.6** Line Manager must send Retire and Return Enrolments Form to payroll to initiate a New Appointment Form – the New Appointment Form must be used to re-enrol the individual when they return (not the usual enrolment form).

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N.B. if the employee is returning to a role in a different department the usual Trac Recruitment process is followed and recruitment will issue the appointment letter and contract. In these circumstances there is no need to complete a re-enablement form.

**3.7** If the post occupied by the returning member of staff requires a Disclosure & Barring Service (DBS) check, a check will need to be undertaken and the outcome received before the post holder returns to employment where:

- The post holder has never undertaken a check; or
- The post holder works with children's services has undertaken a check, but this is more than 3 years old

**3.8** ALL accrued annual leave must be used prior to the termination date.

If the employee is paid for any outstanding annual leave when they retire, the 24 hour break will need to be extended correspondingly.

**3.9** ALL employees taking the Retire and Return Option must take a 24 hour break (not annual leave) between the date of retirement and the date of re-employment.

**3.10** Employees retiring from the 1995 Section of the NHS Pension Scheme can only work for 16 hours per week for one calendar month **and** one day following their retirement.

(N.B. this requirement has been temporarily suspended in response to the COVID-19 pandemic)

N.B. if it has been agreed that the employee will work more than 16 hours per week after this period, the Line Manager must go onto ESR Manager Self Service when the one month and one calendar day comes to an end and change their hours or their pay will be affected.

**3.11** Any employee retiring from either the 2008 or 2015 Sections of the NHS Pensions Scheme can work full time immediately after the 24 hour break.

## **4 RETURNING TO EMPLOYMENT WITH THE UHB**

### **4.1 Non-Medical Staff (returning to the same post)**

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

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Any staff who are paid on a weekly basis or employed on a Llandough NHS contract who retire will return on a monthly Agenda for Change contract.

## 4.2 Medical Staff

### a. Consultant Staff

Where approval is granted for a retiring Consultant to return to work following retirement, the returning Consultant will be engaged on a locum contract and will be paid on the MC83 'retired Consultant' pay scale (which is the same as the maximum on the substantive basic salary scale). Commitment and Clinical Excellence Awards are not payable following Retire and Return.

### b. 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. Requests will be considered on an individual basis.

### c. 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.

For all Medical & Dental staff a Disclosure & Barring Service (DBS) check, a check will need to be undertaken and the outcome received before the post holder returns to employment where:

- The post holder has never undertaken a check; or
- The post holder works with children's services, has undertaken a check, but this is more than 3 years old

## 4.3 Returning to a Different Post

Where the individual is retiring and returning to a different post they will be appointed on the salary scale/pay band applicable to the post. They will then be subject to the normal pre-employment checks, including if appropriate, a DBS check. The interview for the post in question must have taken place prior to the date of retirement of the individual.

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## **5 RE-JOINING THE NHS PENSION SCHEME**

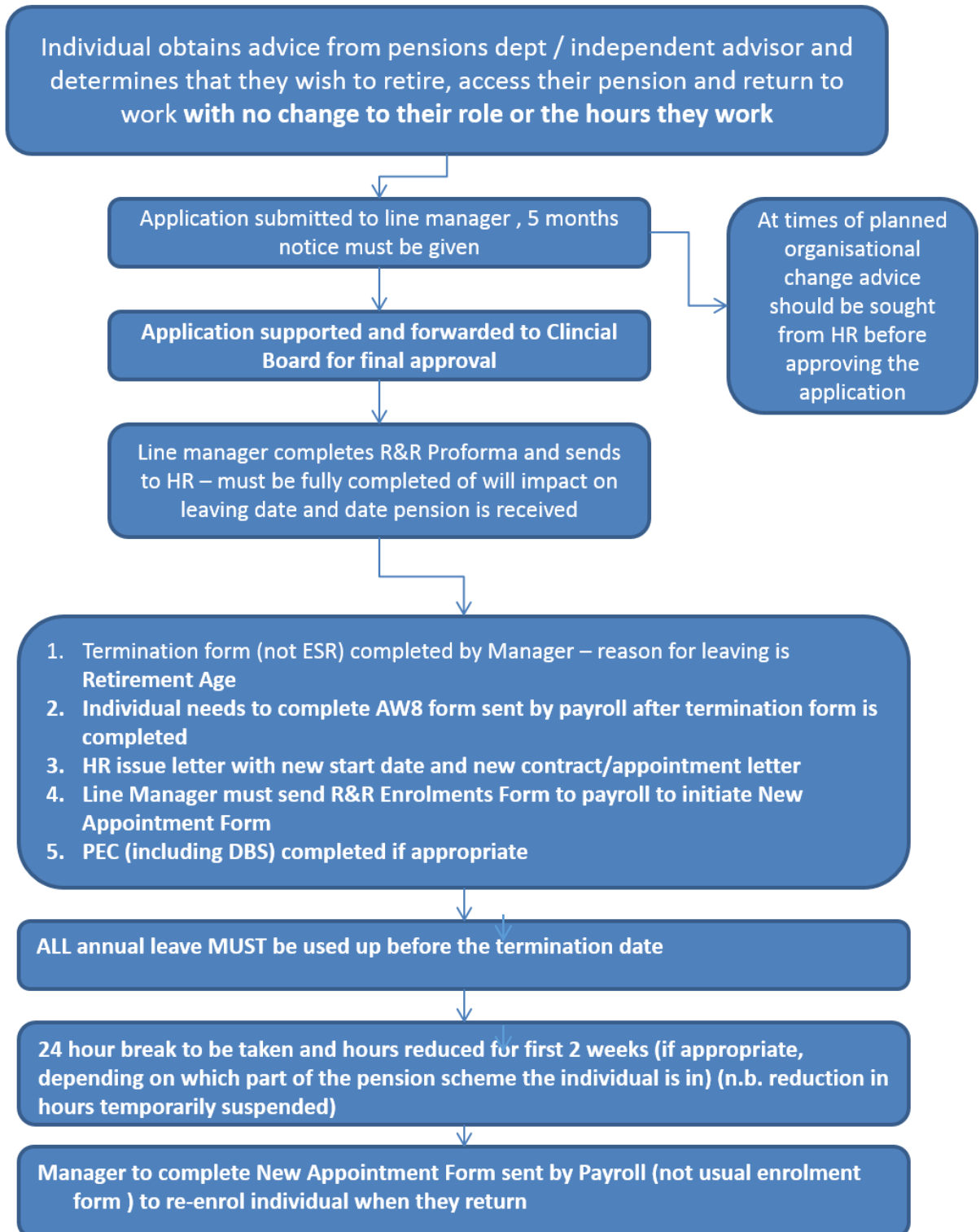
Any member of staff who retires from the 2008 section of the NHS Pension Scheme or who retires from the 2015 NHS Pension Scheme will be able to rejoin the NHS Pension scheme when they return to employment.

Any member of staff retiring from the 1995 section of the NHS Pension Scheme will not be able to re-join the scheme.

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## Appendix 1

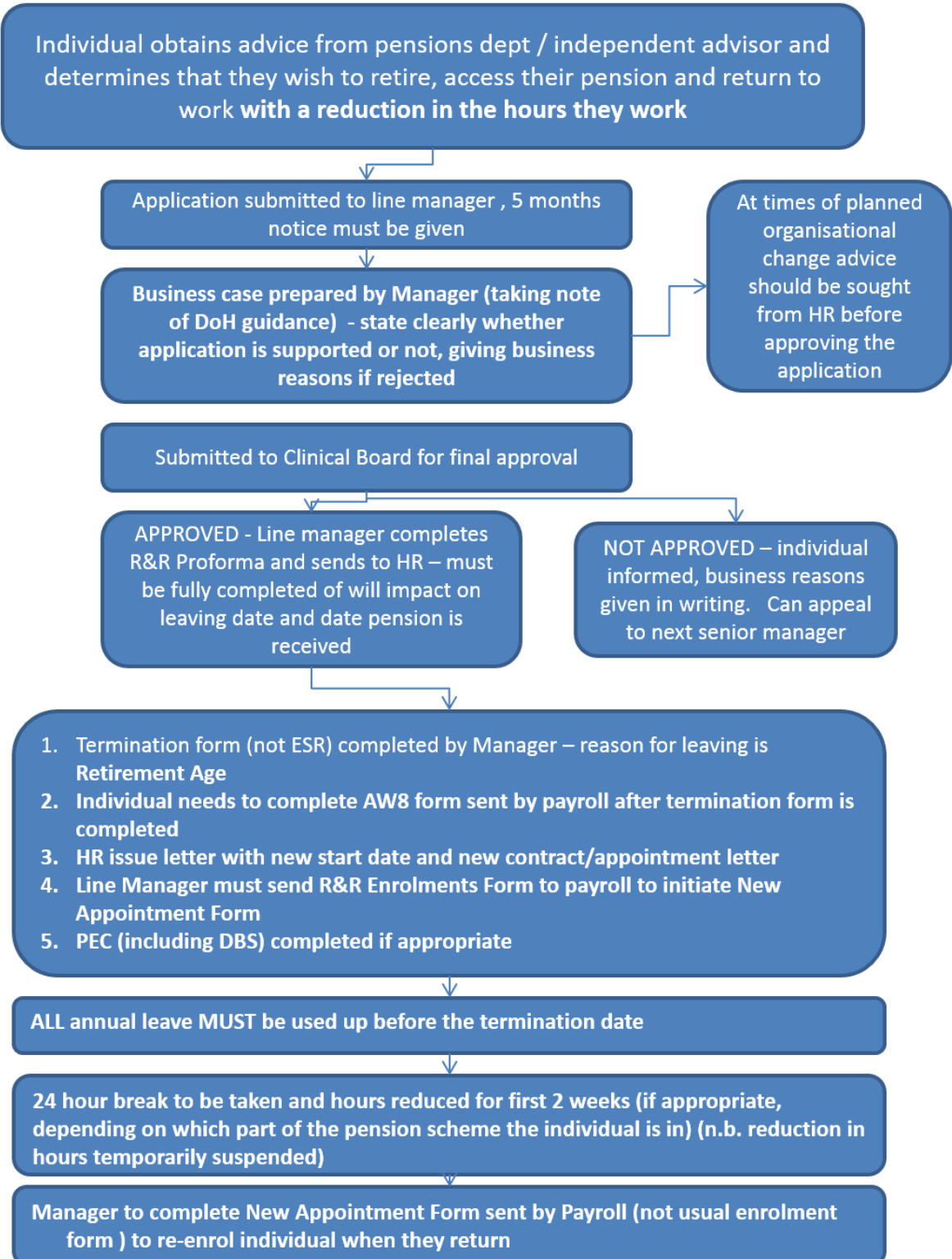
### Retire and Return Process (no change in role or hours)



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## Appendix 2

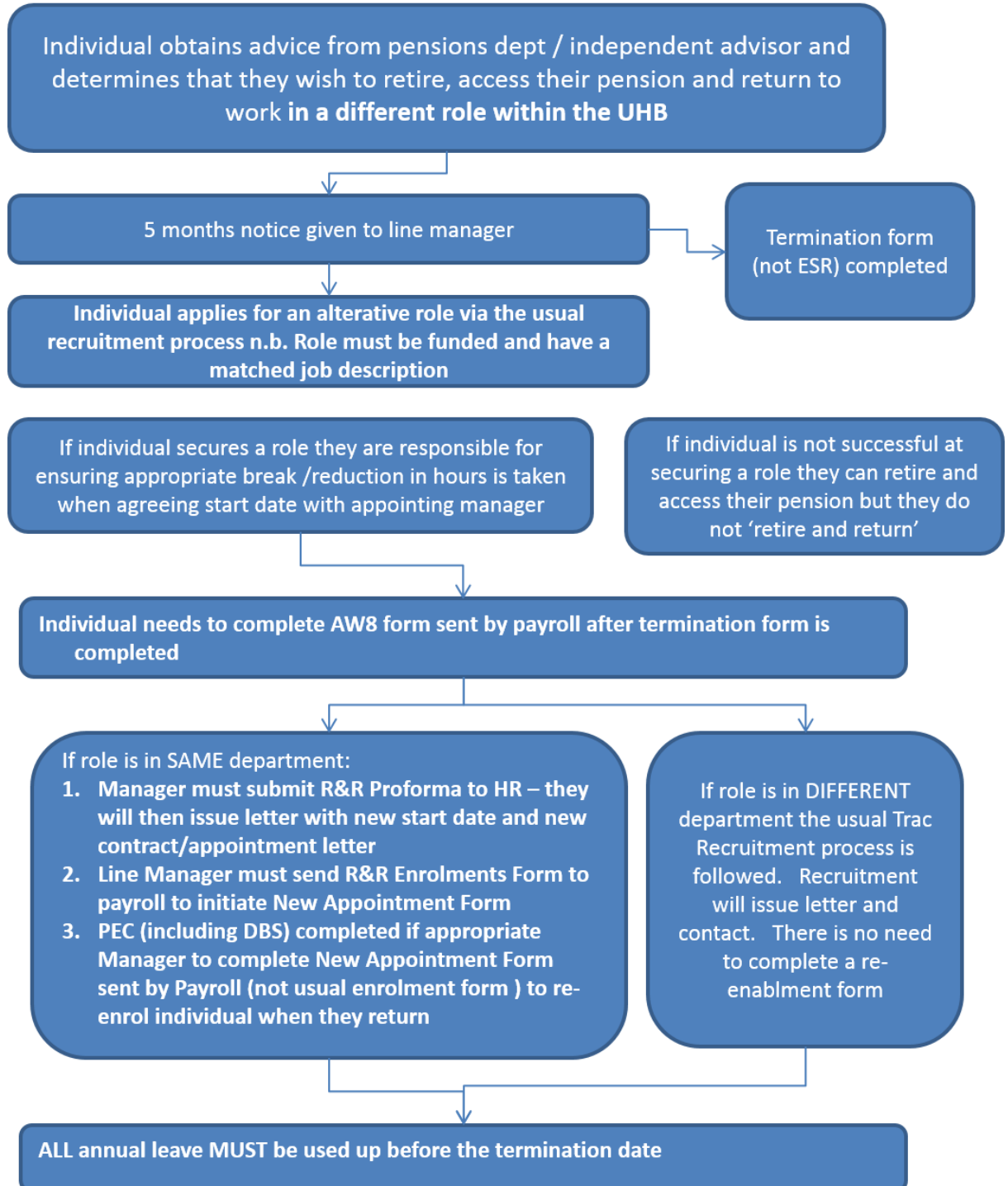
### Retire and Return Process (reduction in hours )



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### Appendix 3

## Retire and Return Process (returning to a different role)



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## Appendix 4

### Retire and Return Process (Consultants)

