

Reference Number: UHB 481 Version Number: 2	Date of Next Review: 30.09.2026 Previous Trust/LHB Reference Number:
RETIRE AND RETURN PROCEDURE	
<p>Introduction and Aim</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 people.</p> <p>The UHB recognises that we cannot deliver high quality patient care without retaining the investment in knowledge, skills and experience of staff. Flexible retirement options are key in achieving this and should be considered favourably unless there is a clear business reason for not doing so. Offering retired staff the option to re-join the NHS Pension Scheme is also a way of supporting their financial wellbeing as it allows them to build up further pension for a comfortable retirement and may help bridge any gap between taking their NHS Pension and State pension benefits.</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>Objectives</p> <ul style="list-style-type: none"> • To detail the processes and procedures relating to the NHS Pension Retire and Return Option within the UHB • Reduce inconsistencies across the Health Board 	
<p>Scope</p> <p>This scheme is open to all employees of the UHB who are members of the NHS Pension Scheme and have reached the minimum pension age.</p>	
Equality and Health Impact Assessment	These Guidelines are covered by the Adaptable Workforce Policy EHIA – this found there to be a positive impact

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Documents to read alongside this Procedure	Adaptable Workforce Policy Retirement Procedure NHS Pensions Employer Retire and Return Guide 2023 2015 NHS Pension Scheme Guide 1995/2008 Scheme Guide NHS Pensions ' Jargon Buster ' NHS Working Longer Group Flexible Retirement Options Re-employment of staff in receipt of NHS Pension Scheme benefits – Guidance for employers and staff (Dept of Health) Equality, Inclusivity and Diversity Policy NHS Wales Flexible Retirement Minimum Standards
Accountable Executive or Clinical Board Director	Executive Director of People and Culture
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<u>Disclaimer</u> 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 Governance Directorate.	

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

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			<p>Flexible Working</p> <p>Appeals process built in</p> <p>Requirement for staff to have a 2-week break reduced to 24 hours</p> <p>Temporary COVID-19 Bill changes highlighted</p>
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
2	27.09.23	27.09.23	<p>Updated in line with 2023 NHS Business Services Authority Guidance on Retire and Return</p> <p>Alignment with All-Wales Minimum Standards on Flexible Retirement Strengthened</p> <p>Paragraph on temporary measures introduced as a consequence of COVID-19 removed. Information incorporated into main body of text</p> <p>Scope narrowed so only includes staff who have reached minimum pension age</p> <p>Abatement currently suspended until March 2025</p> <p>Principles strengthened in two ways:</p> <ol style="list-style-type: none"> 1. Expectation that flexible retirement should be viewed positively and as a tool for retention 2. The decision to approve or reject applications will be made on basis of service need (including

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			<p>redesign/succession planning) and only rejected where there are clear businesses for doing so.</p> <p>Exceptions to the 24-hour break rule listed</p> <p>Requirement for members of the section 95 scheme to only work 16 hours a week for the first month now removed permanently</p> <p>Process for staff requesting to same role combined for all staff regardless of whether the hours will change or remain the same. Reasons for rejecting a request specially set out and in line with All Wales minimum standards it is clear that the application should be supported if at all possible, with the individual returning on the same basis if they wish to.</p> <p>Managers referred to People Services and/or Trade Unions before rejecting a request.</p> <p>Members of the 1995 scheme can now re-join the pension scheme as long as under 75 and as long as claim pension benefits in full.</p>
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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 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 or who have taken ill-health retirement, abatement rules could apply to their earnings. Abatement (which can lead to a reduction in pension payments) is currently suspended until 31 March 2025 for special class and MHO status. Nevertheless, 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.

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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 Education, Culture and Organisational Development (ECOD) 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 All employees of the UHB , who wish to retire, access their pension and become re-employed by the UHB need to apply formally. There is no automatic right to retire and return and the decision to approve or reject the application will be made on the basis of service needs (including any opportunities for service redesign and succession planning) and only rejected where there are clear business reasons for doing so. There is an expectation that flexible retirement should be viewed positively, as a tool for retention and as a way of recognising and rewarding staff for their experience, service and commitment.

2.3 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.

2.4 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.

2.5 A retirement creates a vacancy and this must be managed in the same way as

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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.

- 2.6** 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)
- 2.7** The majority of 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.

A 24-hour break is not required to claim benefits if any of the following conditions are met:

- Members with separate entitlement (no final salary link) in the 1995/2008 Scheme and the 2015 Scheme, can continue paying into the 2015 Scheme after claiming benefits from the 1995/2008 Scheme and do not need a 24-hour break.
- Members who have deferred pension benefits in the 1995 and/or 2008 Section(s) who have had a break of more than five years (loss of final salary link) may claim their deferred benefits (on a reduced basis) once they reach their minimum pension age or unreduced once they reach their normal pension age for the 1995 or 2008 Section, without having to take a 24-hour break in their NHS employment.
- If the member has concurrent part time posts a 24-hour break must be taken from all posts.
- The member is aged 55 or over and claiming redundancy pension benefits from one post only.
- The member has partially retired through draw down.
- The member has reached the maximum pensionable age of 75 (or, for 1995 Section members, age 70 before 01/04/2008).

If you are not sure if one of these exemptions applies to you, you are advised to seek personalised advice from the Pensions department.

- 2.8** 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

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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).

- 2.9** 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).

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 (on same or changed hours)

Where an employee wishes to retire, access their pension, and return to employment in the same post, 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, with the individual able to return on the same basis as they were pre-retirement (should they wish to) as set out in paragraph 2.3.

Applications to return to the same post 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 (including succession planning)

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

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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.

Any manager who feels unable to support a Retire and Return application are advised to discuss the matter with a People Services Advisor to ensure their reason for rejecting the request falls within the legal business reasons, and may wish to involve a Trade Union Representative.

Once a decision is reached, 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 People and Culture 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.

3.1.2 **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 People and Culture. 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).

3.1.3 **Medical/Dental Consultants**

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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 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.
- 3.4** The Line Manager (or the Medical Resourcing & Systems Department in the case of Medical and Dental staff) will immediately complete a Staff Termination Form via the SMA app). 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 People Services Team/ Medical Resourcing & Systems Department 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 a Return Enrolments Form to Payroll to initiate a

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New Appointment Form – the New Appointment Form must be used to re-enrol the individual when they return (not the usual enrolment form).

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.

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.

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.

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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.

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

5 RE-JOINING THE NHS PENSION SCHEME

Staff have the option to join the 2015 scheme to earn further benefits on returning to work in the NHS if they wish as long as they are under 75 years of age. Members who have benefits in the 1995 and 2008 section who were non-pensionable before 1 April 2023 because they had exceeded maximum service limits and therefore had to stop contributing can also join the 2015 scheme providing they claim their pension benefits in full.

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Appendix 1

[The All-Wales minimum standards on Flexible Retirement](#)

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Appendix 2

Retire and Return Process (to same role on same or reduced hours)

Individual obtains advice from pensions dept / independent advisor and determines that they wish to retire, access their pension and return to work with a reduction in the hours they work

Application submitted to line manager , 5 months notice must be given

At times of planned organisational change advice should be sought from PS before approving the application

Business case prepared by Manager (taking note of DoH guidance) - state clearly whether application is supported or not, giving business reasons if rejected

Submitted to Clinical Board for final approval

APPROVED - Line manager completes R&R Proforma and sends to PS – must be fully completed of will impact on leaving date and date pension is received

NOT APPROVED – Individual informed, business reasons given in writing. Can appeal to next senior manager

1. Manager to complete Termination process via SMA App (not ESR) – reason for leaving is Retirement Age
2. Individual needs to complete AW8 form sent by payroll after termination form is completed
3. HR issue letter with new start date and new contract/appointment letter
4. Line Manager must send R&R Enrolments Form to payroll to initiate New Appointment Form
5. PEC (including DBS) completed if appropriate

ALL annual leave MUST be used up before the termination date

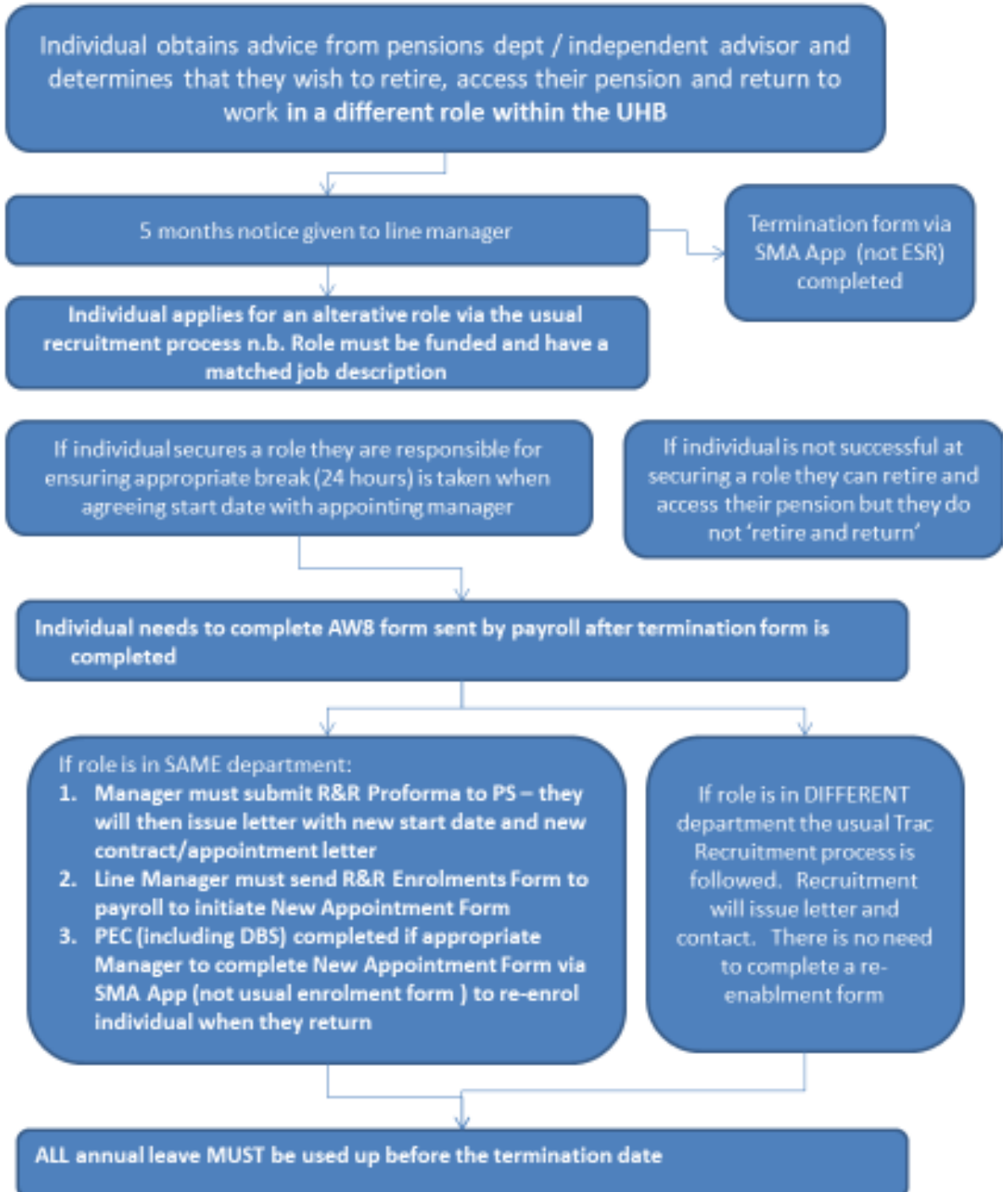
24 hour break to be taken unless exemption applies

Manager to complete New Appointment Form via SMA App (not usual enrolment form) to re-enrol individual when they return

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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)

