



Employment of Staff over Retirement Age Policy

**Market House
14 Market Street
Lerwick**

A charitable company limited by guarantee registered in Scotland No. 165677
Registered Office Market House, 14 Market Street, Lerwick, Shetland ZE1 0JP
Company Secretary Catherine Hughson
Recognised by the Inland Revenue as a Scottish Charity - No. SCO 17286

Voluntary Action Shetland

EMPLOYMENT OF STAFF OVER RETIREMENT AGE POLICY

1. POLICY STATEMENT

VAS is committed to recruiting and retaining high calibre employees. VAS is also committed to promoting equality and diversity where discrimination is eliminated. Continuing to employ people beyond age 65 will enable VAS to retain valuable skills and knowledge.

2. POLICY SUMMARY

- The statutory default retirement age is 65
- A compulsory retirement age of under 65 is unlawful.
- Employees are entitled to retire at age 65 or make a request to continue working
- Employees make a request to continue working by completing the application form at Appendix 1.
- Executive Officer has a duty to give consideration to every request to continue working.
- Executive Officer has the right to refuse the continuation of employment and employees are entitled to appeal against this decision through VAS Grievance Procedure.
- Employees wishing to work beyond 65 will not be subject to medical checks solely because they have reached this age.
- Applicants aged 65 and over are entitled to apply for vacancies with VAS and must be considered for appointment to the post on the basis of merit in terms of skills and experience.

3 INTRODUCTION

Employment Equality (Age) Regulations 2006 came into force on 1 October 2006 and made a compulsory retirement age of under 65 unlawful, unless objectively justified. This policy seeks to facilitate and support employees continuing to work beyond the normal retirement age of 65, if they choose to do so.

4 SCOPE OF POLICY

This policy applies to all employees of VAS. It may not be possible for all employees to continue in employment past the normal retirement age.

5 LEGISLATION

Legislation includes:

The Employment Equality (Age) Regulations 2006. These Regulations introduce a statutory default retirement age of 65 for all employees. However, any compulsory retirement age that is below age 65 will be unlawful unless the employer can show that compelling employees to retire at that lower age is reasonably necessary for achieving a specified legitimate business aim. This is to be reviewed in 2011.

Employment Rights Act 1996 Sex Discrimination Act 1975 – Makes it unlawful for an employer to operate different retirement ages for men and women.

6 IMPLEMENTING PRE-RETIREMENT ARRANGEMENTS

As each employee approaches the normal retirement age of 65 years it is necessary to find out whether the employee intends to retire on his/her 65th birthday or whether they would they like to extend their employment.

At least 6 months but not more than 1 year before the normal retirement date, the Executive Officer will write to eligible employees to inform them of their intended retirement date and of their right to make a request to work beyond retirement age.

Before making a decision employees are advised to seek advice from the Administration and Accounts Office and the Department for Work and Pensions to determine the tax, NI and pension implications.

The employee must, between 3 and 6 months before their 65th birthday, inform the Executive Officer/Line Manager by completing the application form (Appendix 1) if he/she wishes to continue in employment and whether that continuation is to be indefinite, for a stated period, or until a stated date. If no contact is made by this time, the Executive Officer is entitled to assume that the employee intends to retire on the normal retirement date.

Where an employee wishes to continue in employment, the Executive Officer must arrange to meet with the employee within a reasonable time of the request having been made to discuss the request. Both the Executive Officer and the employee must take all reasonable steps to attend. The Executive Officer has a duty to give consideration to every request to continue working. Only one request not to retire at age 65 may be made.

The Executive Officer has the right to refuse the continuation of employment. The Executive Officer must inform the employee of the outcome of his/her application to continue with employment after 65, as soon as is reasonably practicable after the meeting and in any event within 28 calendar days of the meeting.

Where an employee is to continue in employment after 65, a letter should be issued stating the latest amended retirement date. Normal notice periods for retirement and termination of contract remain applicable.

The Employment of Staff Beyond Age 65 Application Form is attached as Appendix 1.

Health and Safety

Employees wishing to work beyond 65 will not be subject to any medical checks unless there is a genuine occupational requirement or there are concerns about their ability to carry out the duties of the post. These checks will be carried out in line with normal occupational health referral procedures. Any queries or concerns about this should be directed to Executive Officer. Risk assessments should be carried out for the employee in line with the normal procedures.

7 ROLES/RESPONSIBILITIES

Administration Assistant's Role: To produce a report informing Executive Officer 6 months prior to employee reaching 65 in order to inform employee of their right to request to continue working.

Executive Officer's Role:

- Meet with the employee
- Consider an application to remain in employment if received
- Ensure the process is completed within the relevant time scales.
- Note the content of any meetings.
- Notify the Administration and Accounts Office 3 months before their 65th birthday to let them know whether the employee is retiring at age 65 or continuing in employment.
- Activate the retirement process if a request from the employee to continue in employment is not received 3 months prior to the date of retirement (65th birthday).

Employee's Role:

It is expected that employees approaching retirement will:

- Read the Employment of Staff Over Retirement Policy supplied to them;
- Seek advice from the Administration and Accounts Office in order to consider the implications of their decision to retire or to request to continue in employment; and
- Communicate their decision to retire or to request to continue in employment within the relevant timescale.

Appendix 1

CONFIDENTIAL

EMPLOYMENT OF STAFF OVER AGE 65 APPLICATION FORM

Name	
Date of Birth	
Job Title	
Service	
Line Manager	

In terms of regulation 5 of the Employment Equality (Age) Regulations 2006 I would like to apply to continue working past the age of 65. I propose that my employment continue:

- (i) Indefinitely
- (ii) For a period ofmonths / years *
- (ii) Until (insert date)

*(Please tick one box only. * Delete whichever does not apply)*

Signed: _____

Date: _____

This application form should be returned to Executive Officer

The information contained in this form will not be used without your express consent for any purpose other than processing of the application and for statistical purposes if that is intended.

For Official Use

Form copied to Administration Accounts Office (tick to confirm)

Date Sent: