

**NHS GREATER GLASGOW & CLYDE**

GUIDANCE ON VOLUNTARY RETIREMENT AND RE-EMPLOYMENT

**Version 1.5 – 6 July 2020**

## Purpose

NHS Greater Glasgow and Clyde values diversity and recognises the significant experience and knowledge that our staff with long service contribute to NHS Greater Glasgow and Clyde. The Board works within a changing demography and as the population grows older, NHS Greater Glasgow and Clyde’s employment practices need to adapt to reflect the increasing age of our workforce and provide staff with flexibility in managing their financial future by creating options to work post retirement. This guidance is aimed at all staff who may wish to retire and return to employment within NHS Greater Glasgow and Clyde.

The purpose of this guidance on retirement and re-employment is to support skill mix plans, consider the needs of the ageing workforce, and facilitate the transfer of specialist knowledge and skills, such that they are retained in the workforce.

## Background

## The following guidance has been prepared to assist where an employee decides to retire but expresses a desire to return to work on a part or full time basis. This guidance provides information on how this may be applied fairly and consistently.

## The guidance is evidence of our commitment to the Working Longer agenda and providing equal access to employment opportunities irrespective of age. The guidance also acknowledges the changing landscape on pensions and supports equality objectives for women born in the 1950s affected by the changes to the State Pension Age (SPA).

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## It is important to note however, that there is no automatic right for an employee to return to work following retirement. Any decision to return as a result of a service requirement and in line with this guidance requires the agreement of the relevant senior manager and should be considered on a case by case basis.

If there is no service requirement for the employee to return to their previous post or another post within the same job family following their retirement, such an application will not be approved. This does not preclude the employee applying for an alternative post via the normal recruitment procedures at that time or in the future.

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This facility is not available to staff who retire on the grounds of organisational change or ill health or who retire on the grounds of efficiency of the service. It is only available for those who take age retirement or those who volunteer to take premature retirement with actuarial reduction i.e. no employer enhancements.

The Worklife Balance Pin which includes the Retiral Policy is under review as part of Phase 2 of the Once for Scotland Workforce Policies. Phased retiral provides the best support and practical information to enable employees to experience as smooth a transition from work to leisure as possible. It should be noted that phased retiral is only available once to individuals as part of the formal retirement process and should be discussed with managers as part of retiral plans.

## Scope

This guidance applies to all staff employed full time or part time on Agenda for Change, Medical and Dental or Executive/Senior Manager Terms and Conditions of Service.

The principles in Section 4 of the guidance note should be followed to approve requests from staff wishing to be re-employed following retirement. These take into account the regulations set out in the Scottish Public Pensions Agency (SPPA) Circular No 13/2006, and support the priorities within the Workforce Plan.

Requests to ‘Retire and Return’ will be considered with due regard to NHSGGC service, financial and workforce challenges and the longer term Employability and Succession Planning objectives set out in local and national Workforce Strategy. The Board’s ability to meet these objectives is reliant to a large extent on natural turnover therefore, in order to retain workforce flexibility, Retire and Return is provided as a time-limited option to support employees into full retirement whilst enabling the transfer of knowledge and skills such that they are retained within the workforce.

Return to work under these arrangements is subject to a maximum of one year in the first instance. Employees looking to return on a permanent basis will require to apply and be considered in line with standard recruitment processes.

Key criteria will be taken into account when requests are being considered:

* Service requirements,
* Employment market and availability of suitable candidates.
* Employees skills and experience, whether these are unique ability to find elsewhere.
* Due regard to public perception.
* Impact on service provision and on team.
* Individual performance.
* Budget availability.

An example of where this guidance might be applicable could be where there is an employee who has a particular skill set and to allow succession arrangements to be put in place consideration might be given to the employee returning on a part time basis to ensure continuity of service until the succession arrangements are in place. This guidance might also be useful where there is an employee within a shortage occupation who is looking to retire and return on a part time basis not necessarily into their previous role but another role within the same job family and this guidance would allow them to do so without having to go through the normal recruitment procedures. This may be particularly helpful in areas such as Nursing. However, as previously advised, any return to work following retirement requires the agreement of the relevant manager and be in the interests of the service.

## Principles

4.1 The key principles should be followed:

* 1. The employee’s line manager must complete the application attached at Appendix A. This must then be approved by their Head of Service or equivalent and signed by the employee. The document should be held in the employee’s personal file.
  2. The line manager will describe on the application what benefits there will be from supporting the application and how it will impact on their service. This includes how they will manage any reduction in hours and what length of contract they propose to offer.
  3. In order to access their NHS pension benefits an employee must resign from their NHS Contract of Employment and be terminated on eESS and payroll. If they intend accessing their pension, the relevant paperwork should be completed. Please note that retirement documentation should be completed at least 4 months prior to the employee’s retirement date.
  4. A new contract will be offered for the part-time role. This will be on a fixed term/temporary basis for up to one year in the first instance when the position will be reviewed and a further contract issued if appropriate. The Fixed Term Contract Policy will apply to any fixed term contract offered. The new contract must be at the same grade as the post-holder previously held. Employees wishing however to return to work in a post on a higher or a lower grade should apply for a post via the normal recruitment procedures. A new Staff Engagement Form will be required to be completed and passed to the eESS Team for processing as a new start.
  5. The hours of work will be dependent on the needs of the service. Employees’ pension arrangements after retirement and re-employment can be affected by the hours they work in a part time post so advice should be sought from SPPA. Employees are responsible for ensuring that they check any breaks in service required prior to re-employment and any restriction on hours of work once re-employed so that their pension is not affected.
  6. The commencement date of the new contract will also be the new date of continuous service for the employee and their incremental date. This recognises that the employee terminated their previous contract and retired from the service.
  7. The individual will be re-employed on the most recent pay point on their basic salary scale. This rate of pay will not include any protection of earnings applicable to their previous role or any allowances unless they relate to the new part time role.
  8. Any Medical and Dental Consultant returning to work following retirement will be employed on a locum basis on basic salary with no distinction awards/discretionary points. Their appointment will be in line with the National Terms and Conditions of Service for a locum appointment and the balance of their job plan should be towards direct clinical care sessions. The same arrangements will apply for Associate Specialist, Staff Grades and Speciality Doctors but Associate Specialist and Staff Grades returning to work following retirement should be aware that these are now closed grades and any return to work would normally be to the Speciality Doctor grade and the associated terms and conditions of service.
  9. Full time staff considering re-employment must be reminded that they will be re-employed so some terms and conditions, in addition to pay, may be different. They are accountable for checking this themselves.
  10. Any employee who wishes to consider this option is responsible for ensuring that they have clarified their pension position with the SPPA and have no outstanding issues with the SPPA about their pension entitlement.
  11. Re-employment into the same job family as they held prior to retirement at reduced hours will not require the usual recruitment authorisation form or the normal recruitment process for appointment to the part-time post. However, re-employment to a different job family i.e. different role, team, and location will require recruitment authorisation and the appointment to be made through normal recruitment processes. The individual will be appointed on either a substantive or fixed term contract depending on how the post was advertised.

4.12 Managers with responsibility for the implementation of this guidance should fully understand the Board Equal Opportunities policy, the Equality Act and have engaged in training on holding supportive conversations with staff to ensure that the Policy is applied consistently and all staff are treated with dignity and respect. A person centred approach, taking account of individual circumstances, is key to the successful implementation of this guidance. Support and training on Equalities and Working Longer is available from Human Resources.

1. **Declined Applications**

If an application to ‘Retire and Return’ is declined the manager must inform the employee in writing within two working weeks, setting out the grounds for refusal.

Whilst there is no entitlement to retire and return, in the interests of fairness and transparency, the employee can request a review of the decision to refuse their application by writing to the next in line manager setting out their grounds for review. This must be submitted within two working weeks of receipt of the outcome of their application.

The next in line manager will review the original decision and write to the employee within two working weeks with a final decision.

Where an application is declined the employee will need to decide if they still wish to retire and access their pension or if they wish to remain in their current post.

**6. Process**

An outline of the process to be followed is attached in Appendix B.

Appendix A



**NHS GREATER GLASGOW AND CLYDE**

**Voluntary Retirement and Re-employment on a Part Time Basis Application**

|  |  |
| --- | --- |
| Division/CHP |  |
| Service/Directorate/Department |  |
| Location/Ward |  |

|  |  |
| --- | --- |
| Name |  |
| Job Title |  |
| Pay Number |  |
| Grade and Banding |  |
| Basic Salary |  |
| Enhancements |  |

|  |  |
| --- | --- |
| Current WTE and Hours Per Week |  |
| Proposed Re-Employment WTE and Hours Per Week |  |

|  |  |
| --- | --- |
| Termination Date |  |
| Re-employment Date |  |

Please tick appropriate box:

|  |  |
| --- | --- |
| I confirm I have contacted the Scottish Public Pensions Agency re the effect of this proposal on my pension benefits. |  |
| I am not a member of the Superannuation Scheme. |  |

I agree to voluntary retirement and re-employment having taken due regard of any impact on pension benefits.

|  |  |
| --- | --- |
| Employees Signature |  |
| Date |  |

|  |
| --- |
| **Demonstration of criteria and back ground to reason for requests for re-employment.** |
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|  |
| --- |
| **Impact on Service if Not Approved** |
|  |

|  |
| --- |
| **Details of Proposed Contract** |
|  |

|  |  |
| --- | --- |
| Current Total Pay Costs | £ |
| Re-employment Total Pay Costs | £ |
| Pay Costs Incurred By Any Continuing Alternative Arrangement | £ |
| Potential Savings (if applicable) | £ |

I agree to the voluntary retirement and re-employment on a part time basis as outlined on this form.

|  |  |
| --- | --- |
| Line Manager Signature |  |
| Date |  |

*Countersigned by:*

|  |  |
| --- | --- |
| Head of Service Signature |  |
| Date |  |

Requests will be logged and reported to ensure a regular audit of requests and outcome can be provided.

Appendix B



**Voluntary Retirement and Re-employment Flow Chart**