

DUNDEE CITY COUNCIL

REPORT TO: Personnel Committee - 18 September 2006

REPORT ON: Procedure for Planned Retirement

REPORT BY: Assistant Chief Executive (Management)

REPORT NO: 530-2006

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek the Committee's approval of the proposed Procedure for Planned Retirement.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee approves the Procedure for Planned Retirement attached as Appendix 1 and the Transitional Arrangements for Retirements between 1 October 2006 and 31 March 2007, as attached as Appendix 2.

3 FINANCIAL IMPLICATIONS

- 3.1 The cost of implementing the procedure will be funded by existing department budgets.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 None.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 The policy direction accords with the Social Inclusion and Community Planning agendas.

6 BACKGROUND

- 6.1 The Employment Equality (Age) Regulations 2006 come into force on 1 October 2006 and it is a requirement of the regulations that employers have, and follow, a set procedure for planned retirement.
- 6.2 The proposed Procedure for Planned Retirement and the Transitional Arrangements for retirements between 1 October 2006 and 31 March 2007 comply with the requirements of the regulations.

7 CONSULTATION

- 7.1 The Council Management Team and Trade Unions have been consulted in the preparation of this report.

8 BACKGROUND PAPERS

- 8.1 None.

J.C. Petrie
Assistant Chief Executive (Management)

11 September 2006

PROCEDURE FOR PLANNED RETIREMENT

The normal retirement age for local government employees is 65*, however, there are some employees who may wish to continue working beyond this age, and from 1 October 2006, they will have the right to request to work beyond the normal retirement age. The employer will be required to give the request reasonable consideration, and if the request is refused, the employee will have the right to appeal against the decision.

* *The Employment Equality (Age) Regulations 2006 provide for a default retirement age of 65, but this will be reviewed in 2011.*

The following procedure must be followed when an employee is approaching retirement age.

PROCEDURE

1. The department must write to the employee between 6 and 12 months prior to the employee reaching normal retirement age, advising him/her that the Council intends to retire him/her on the day before his/her 65th birthday, and that he/she has a right to request to work beyond retirement age, together with information on how to make a request to continue working (see Letter 1).
2. Where an employee wishes to work beyond normal retirement age, a request must be made, in writing to the Head of Department, at least 3 months prior to the intended date of retirement. The employee will be asked to complete and return the form "Request to Work Beyond Intended Retirement Age".
3. The Head of Department will acknowledge receipt of the request, and delegate a senior officer to make arrangements to meet with the employee within 20 working days (see Letter 2).
4. The nominated senior officer will consider the request, taking into account the individual's employment record, absence record, the duties and responsibilities of the post, and the requirements of the service in which he/she is employed.
5. A meeting will be arranged to discuss the request further with the employee, who may be accompanied at the meeting by a trade union representative or colleague. The meeting will take place within 20 working days of receiving the request.
6. The employee will be advised of the decision, in writing, within 10 working days of the meeting.
7. Where the request to work beyond the intended retirement age is approved, a revised retirement age will be set (**see Letter 3).

** *The maximum extension which may be approved at any given time, will be 2 years. However, the same procedure will apply as the revised date of retirement approaches*

i.e. the department will require to write to the employee 6 months in advance of the revised retirement date advising of the intention to retire, the right to request to work beyond intended retirement date, etc..

8. Where a request to work beyond the intended retirement age is refused, or where approval is for a shorter period than that which the employee requested, the employee will have the right to appeal against this decision to the Head of Department. (See Letter 4.)

PLANNED RETIREMENT - LETTER 1
(to be sent 6 - 12 months prior to intended date of retirement)

Dear

PLANNED RETIREMENT DATE

The normal retirement age for Local Government Employees is 65, and, as you will reach your 65th birthday on **(DATE)**, I am writing to advise you that it is the intention of the Council to retire you on **(DATE - day before 65th birthday)**.

OR

I refer to my previous letter dated **(DATE)** in which I stated that the intended date of your retirement would be extended until **(DATE)**. I write now to advise you that it is the intention of the Council to retire you on that date.

You have the right to request to work beyond the intended retirement date. If you wish to make such a request, you should do so, in writing, to **(HEAD OF DEPARTMENT)**, not later than **(DATE - 3 months prior to intended retirement date)**.

Yours sincerely

PLANNED RETIREMENT - LETTER 2

Dear.....,

REQUEST TO WORK BEYOND INTENDED RETIREMENT DATE

I acknowledge receipt of your request to work beyond the intended retirement date, and, in accordance with the Council's Procedure for Planned Retirement, a meeting will be arranged as soon as possible, but within 20 days, to discuss your request further. If you have any queries meantime, please do not hesitate to contact me.

OR

I acknowledge receipt of your request to work beyond the intended retirement date. In this connection, you are requested to attend a meeting on **(DATE - within 20 days of receipt of request)** at **(VENUE)** to discuss this request further. You have the right to be accompanied at the meeting by a trade union representative or colleague, but it is your responsibility to arrange his/her attendance.

Yours sincerely

PLANNED RETIREMENT - LETTER 3

Dear,

REQUEST TO WORK BEYOND INTENDED RETIREMENT DATE

I refer to our meeting on **(DATE)** which was attended by **(NAMES, DESIGNATIONS)**. The meeting had been arranged to discuss your request to work beyond the Council's intended retirement date of **(DATE)**.

I hereby confirm my decision to grant your request to work beyond this date until **(DATE REQUESTED OR AGREED WITH EMPLOYEE - MAXIMUM 2 YEARS)** which, therefore, becomes your new intended retirement date. You will have the right to request to work beyond that date, if you so choose, and you will be advised accordingly at the appropriate time.

Yours sincerely

PLANNED RETIREMENT - LETTER 4

Dear,

REQUEST TO WORK BEYOND INTENDED RETIREMENT DATE

I refer to our meeting on **(DATE)** which was attended by **(NAMES, DESIGNATIONS)**. The meeting had been arranged to discuss your request to work beyond the Council's intended retirement date of **(DATE)**.

I have given careful consideration to the points raised at the meeting, and I must advise you that I have decided to refuse your request to work beyond the intended retirement date, and you will therefore retire on **(DATE)**.

OR

I have given careful consideration to the points raised at the meeting, and I have decided to grant your request to work beyond the intended retirement date with the condition that **(REVISED RETIREMENT DATE, REVISED FLEXIBLE WORKING ARRANGEMENT ETC)**.

You have the right to appeal against this decision. If you wish to exercise this right, you should do so, in writing, to **(HEAD OF DEPARTMENT)** within 14 days of receipt of this letter.

Yours sincerely

REQUEST TO WORK BEYOND INTENDED RETIREMENT AGE

To be completed by the employee and forwarded to the Head of Department at least 3 months prior to the Council's intended date of retirement.

You will be sent an acknowledgement of the request and an appointment will be arranged with the appropriate senior manager to discuss the request.

Name

Job Title Grade

Department and Section

Workplace Address

Workplace Telephone No Pay No

1 I have been advised by the Council that my intended date of retirement is
.....(DATE).

2 I wish to work beyond this date, until (DATE)*

3 I wish/do not wish to apply to work flexibly beyond my intended date of retirement**.

* The maximum extension which may be approved is 2 years beyond the intended retirement date. You will, however, have a further right to request to work beyond this date at the appropriate time.

** If you wish to apply to work flexibly, please attach the completed "Request for Flexible Working Form"

Signed

Date

PROCEDURE FOR PLANNED RETIREMENT

TRANSITIONAL ARRANGEMENTS FOR RETIREMENTS BETWEEN 1 OCTOBER 2006 AND 31 MARCH 2007

- 1 Departments must ensure all employees, reaching retirement age before 1 April 2007, receive notice of the intended retirement date - the longer of either contractual or statutory notice must be given (statutory notice is one week for every completed year's service up to a maximum of 12 weeks).

WHERE NOTICE HAS BEEN GIVEN BEFORE 1 OCTOBER 2006

- 2 On 1 October, or as soon as possible thereafter, departments must write to the employee telling them of their right to request working beyond the age of 65 (see letter 1).
 - 2.1 Where an employee wishes to work beyond age 65, a request must be made in writing to the Head of Department, at least 4 weeks before the notice expires, or as soon as reasonably practicable. The employee can make a request not to be retired after their contract has been terminated, but not more than 4 weeks thereafter.
 - 2.2 The Head of Department will acknowledge receipt of the request and delegate a Senior Officer to make arrangements to meet the employee as soon as practicable, but within 20 working days (see letter 2).
 - 2.3 The nominated Senior Officer will consider the request, taking into account the individual's employment record, absence record, the duties and responsibilities of the post, and the requirements of the service in which he/she is employed.
 - 2.4 A meeting will be arranged to discuss the request further with the employee, who may be accompanied at the meeting by a trade union representative or colleague. The meeting will take place within 20 working days of receiving the request.
 - 2.5 The employee will be advised of the decision, in writing, within 10 working days of the meeting.
 - 2.6 Where the request to work beyond the intended retirement age is approved, a revised retirement age will be set (**see letter 3).
 - 2.7 Where a request to work beyond the intended retirement age is refused, or where approval is for a shorter period than that which the employee requested, the employee will have the right to appeal against this decision to the Head of Department (see letter 4).

****** *The maximum extension which may be approved at any given time will be 2 years. However, a similar procedure will apply as the revised date of retirement approaches, ie the department will require to write to the employee 6 months in advance of the revised retirement date advising of the intention to retire, the right to request to work beyond intended retirement date, etc..*

WHERE NOTICE IS GIVEN ON OR AFTER 1 OCTOBER 2006

- 3 Departments must write to the employee notifying them of the intended retirement date - giving the longer of either contractual or statutory notice and advising them of their right to request not to be retired (see letter 5).
- 3.1 Where an employee wishes to work beyond age 65, a request must be made in writing to the Head of Department at least 4 weeks before the intended retirement date; or as soon as reasonably possible after being notified of the right to request to work beyond the age of 65.
- 3.2 Requests to be dealt with in accordance with steps 2.2 to 2.7.

LETTER 1

Dear

PLANNED RETIREMENT DATE

I refer to my previous letter dated **(DATE)**, in which I gave notice of the intended date of your retirement.

I must now advise that you have the right to request to work beyond the intended retirement date. If you wish to make such a request, you should do so, in writing, to **(HEAD OF DEPARTMENT)** within 4 weeks of the intended date of retiral.

Yours sincerely

LETTER 2

Dear.....,

REQUEST TO WORK BEYOND INTENDED RETIREMENT DATE

I acknowledge receipt of your request to work beyond the intended retirement date, and, in accordance with the Council's Procedure for Planned Retirement, a meeting will be arranged as soon as possible, but within 20 days, to discuss your request further. If you have any queries meantime, please do not hesitate to contact me.

OR

I acknowledge receipt of your request to work beyond the intended retirement date. In this connection, you are requested to attend a meeting on **(DATE - within 20 days of receipt of request)** at **(VENUE)** to discuss this request further. You have the right to be accompanied at the meeting by a trade union representative or colleague, but it is your responsibility to arrange his/her attendance.

Yours sincerely

LETTER 3

Dear,

REQUEST TO WORK BEYOND INTENDED RETIREMENT DATE

I refer to our meeting on **(DATE)** which was attended by **(NAMES, DESIGNATIONS)**. The meeting had been arranged to discuss your request to work beyond the Council's intended retirement date of **(DATE)**.

I hereby confirm my decision to grant your request to work beyond this date until **(DATE REQUESTED OR AGREED WITH EMPLOYEE - MAXIMUM 2 YEARS)** which, therefore, becomes your new intended retirement date. You will have the right to request to work beyond that date, if you so choose, and you will be advised accordingly at the appropriate time.

Yours sincerely

LETTER 4

Dear,

REQUEST TO WORK BEYOND INTENDED RETIREMENT DATE

I refer to our meeting on **(DATE)** which was attended by **(NAMES, DESIGNATIONS)**. The meeting had been arranged to discuss your request to work beyond the Council's intended retirement date of **(DATE)**.

I have given careful consideration to the points raised at the meeting, and I must advise you that I have decided to refuse your request to work beyond the intended retirement date, and you will therefore retire on **(DATE)**.

OR

I have given careful consideration to the points raised at the meeting, and I have decided to grant your request to work beyond the intended retirement date with the condition that **(REVISED RETIREMENT DATE, REVISED FLEXIBLE WORKING ARRANGEMENT ETC)**.

You have the right to appeal against this decision. If you wish to exercise this right, you should do so, in writing, to **(HEAD OF DEPARTMENT)** within 14 days of receipt of this letter.

Yours sincerely

LETTER 5

Dear

PLANNED RETIREMENT DATE

The normal retirement age for Local Government Employees is 65, and, as you will reach your 65th birthday on **(DATE)**, I am writing to advise you that it is the intention of the Council to retire you on **(DATE - the day before your 65th birthday)**.

You have the right to request to work beyond the intended retirement date. If you wish to make such a request, you should do so, in writing, to **(HEAD OF DEPARTMENT)** within 4 weeks of the intended date of retiral.

Yours sincerely