

RETIREMENT POLICY

This policy document applies to you at *[insert name and address]*, ("the organisation") which you may be asked to work at from

1. Policy statement

1.1 The employer's policy is to cover retirement. The policy is not a contract.

1.2 In the event that the policy and other policies conflict, this policy shall have precedence. If employees are in any doubt, they should discuss matters with the employer.

1.3 Should this policy change as a result of changes in legislation, any changes will be notified to the employees.

2. Definitions

2.1 'Retirement' – the cessation of employment at a predetermined age.

3. Retirement Age

3.1 The organisation's normal retirement age is *[Insert age which must not be less than that objectively justified.]*

4. Retirement Rights

Employees retiring before 1st October 2010

4.1 The employer will notify the employee of their retirement date no less than *[Insert period of weeks which must not be less than 12 weeks or more if the contractual notice period is longer]*.

4.2 The employee's employment will terminate on their retirement date.

Employees retiring on or after 2007

4.3 The employer will notify the employee not less than *[Insert period of weeks which may be more if the contractual notice period is longer]* before the intended retirement date.

4.4 If the employee wishes to continue working beyond their retirement age he/she must make a written request as soon as possible and in any event no later than 3 months before his/her retirement date if the employee has not been terminated.

4.5 The employee's written request to continue working:

- a) Indefinitely
- b) For a stated period, or
- c) Until a certain date.

The employee may only make one request to continue working after their retirement date.

4.6 Failure by the employee to make a written request within the period set out at paragraph 4.4 will not affect the employee's statutory right to request that their retirement age be extended to their retirement age. In these circumstances the employer may not terminate the employee's contract of employment on the date of retirement.

Employees retiring after 1st April 2007

4.7 The employer will notify the employee not less than one year and not less than six months before the intended retirement date.

4.8 Where the employer fails to notify the employee of their retirement date within the period set out in paragraph 4.7 the employer will do so as soon as possible and in any event not less than 3 months before the intended retirement date.

4.9 If the employee wishes to continue working beyond their retirement age he/she must make a written request as soon as possible and in any event no later than 3 months before his/her retirement date.

4.10 The employee's written request to continue working:

- a) Indefinitely
- b) For a stated period, or

c) Until a certain date.

The employee may only make one retirement date.

4.11 Failure by the employee to return to work within the 12 month period set out at paragraph 4.10 shall not affect their statutory right to request that their retirement date be extended beyond their retirement age. In the event that the employer proceeds to terminate the employee's employment, the employee may proceed to request a date of retirement.

5. Retirement Meeting

5.1 On receipt of a request by an employee to extend their retirement age, the employer shall give the employee a written response. The employer will hold a meeting with the employee.

5.2. A meeting will be held as soon as possible after the request. The employee will have a right to be accompanied by a representative of their choice or trade union representative. The employer will give a reasonable period of time for the employee to prepare written representations and a decision will be made by the employer and the employee.

5.3 If a work colleague or trade union representative is present with the employee they will be entitled to be present and will be permitted to answer any questions. The employee will not be however be entitled to confer with the employer.

5.4 The employer will give careful consideration to the request. The employer will give the employee to work beyond their retirement age. The employer's decision will consider alternatives to the request and other changes to the employee's contract of employment.

5.5 Any decision made following a meeting will be given in writing.

5.6 If the employer intends to accept the request for an extension of retirement and considers that in the interests of the employee it is necessary then the employer may agree to the request. The employee will be notified in writing of the meeting. The employee will be notified in writing of the employee's contract of employment and the agreed retirement date and any agreed conditions of employment.

6. Appeals

6.1 If an employer rejects an employee's request to change their retirement date or proposes a new retirement date, the employee must make a written request to [Insert name of the employer] within 14 days of receiving a receipt of the employer's notification. The employee must also provide a copy of the request taken by the organisation to be 14 days.

6.2 An appeal hearing will be held within 14 days of the employee's request. The employee must provide a written statement of their case to the employer.

6.3 Failure to appeal within a reasonable time will result in the employee losing their right to appeal. The employer will consider the appeal without holding a hearing. The employer will also consider any previous appeals.

6.4 If a decision is made not to accept an employee's request to work beyond their retirement age the employee's employment will be terminated on the retirement date. This decision will be final.

6.5 If the employer decides to accept an employee's request to work beyond their retirement age the employee will be notified and the employer will adjust the employee's terms of employment to reflect the new working pattern.

7. Date of Implementation

This policy is effective from [Insert date] and will apply to all employees that occurred prior to this date.

8. Questions

If you have any questions regarding this policy, please contact [Insert name of the employer] to you, please consult [Insert name of the employer].

9. Alteration of this Policy

These guidelines will be subject to change. Any changes will be communicated to you by [Insert name of the employer].

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EXAMPLE DOCUMENT

RETIREMENT POLICY

This policy document applies to you and your colleagues at **Partners, 45 Dover Street, London** and at any other organisation sites that you may work at.

1. Policy statement

1.1 The employer's policy is to encourage employees to retire. The policy is not a contract of employment.

1.2 In the event that the policy and any other applicable policy have different precedences. If employees are in any doubt they should discuss matters with the employer.

1.3 Should this policy change as a result of any changes will be notified to the employees.

2. Definitions

2.1 'Retirement' – the cessation of employment at a predetermined age.

3. Retirement Age

3.1 The organisation's normal retirement age is **65**.

4. Retirement Rights

Employees retiring before 1st October 2007

4.1 The employer will notify the employee of their retirement date at least **4 weeks** before the due date.

4.2 The employee's employment will terminate on their retirement date.

Employees retiring on or after 1st October 2007

4.3 The employer will notify the employee not less than **4 weeks** before the due date.

4.4 If the employee wishes to continue working beyond their retirement age he/she must make a written request and in any event no later than 4 weeks before the retirement date terminated.

4.5 The employee's written request to continue working:

- d) Indefinitely
- e) For a stated period, or
- f) Until a certain date.

The employee may only make one retirement date.

4.6 Failure by the employee to make a written request within the period set out at paragraph 4.4 will constitute a waiver of their statutory right to request that their retirement age be extended. In these circumstances the employer may terminate the employee's contract on the date of their retirement.

Employees retiring after 1st April 2010

4.7 The employer will notify the employee not less than one year and not less than six months before the retirement date.

4.8 Where the employer fails to notify the employee of their retirement date within the period set out in paragraph 4.7, the employer will do so as soon as possible and not later than the intended retirement date.

4.9 If the employee wishes to continue working beyond their retirement age he/she must make a written request not less than 6 months before his/her retirement date.

4.10 The employee's written request to continue working:

- d) Indefinitely
- e) For a stated period, or
- f) Until a certain date.

The employee may only make one retirement date.

4.11 Failure by the employee to request retirement within the 12 month period set out at paragraph 4.10 shall constitute a waiver of their statutory right to request that they be allowed to work beyond their retirement age. In the event the employer proceeds to terminate the employee, the employee shall be deemed to have accepted retirement.

5. Retirement Meeting

5.1 On receipt of a request by an employee to work beyond their retirement age, the employer shall give the employee a written response and will hold a meeting with the employee.

5.2. A meeting will be held as soon as practicable. The employee will have a right to be accompanied by a representative of their choice or trade union representative. The employee will be given a reasonable period of time to prepare written representations and a decision will be made by the employer.

5.3 If a work colleague or trade union representative is accompanied with the employee they will be entitled to be present and will be permitted to answer any questions raised. The representative however be entitled to confer with the employee.

5.4 The employer will give careful consideration to the request of the employee to work beyond their retirement age. The employer's decision will consider alternatives to the employee's request and other changes to the employee's contract of employment.

5.5 Any decision made following a meeting will be given in writing.

5.6 If the employer intends to accept the employee's request to work beyond retirement and considers that in the interests of the business it is necessary then the employer may require the employee to attend a meeting. The employee will be notified of the meeting. The employee will be notified of the employer's decision on the employee's contract of employment, the employee's retirement date and any agreed changes to the employee's contract of employment.

6. Appeals

6.1 If an employer rejects an employee's request for an earlier retirement date or proposes a new retirement date, the employee may appeal the employer's decision by making a written request to **Peter J Thorne** within 14 days of the receipt of the employer's notification. The employee's appeal must be taken by the organisation to be 14 days after the date of the employer's notification.

6.2 An appeal hearing will be held within 14 days of the employee's appeal in writing. The employee must attend the hearing.

6.3 Failure to appeal within a reasonable time will result in the employee losing their right to appeal. The employer will consider the appeal without holding a hearing. In exceptional circumstances the employer may consider any previous appeal.

6.4 If a decision is made not to accept an employee's request to work beyond their retirement age the employee's employment will be terminated on the retirement date. This decision will be final.

6.5 If the employer decides to accept an employee's request to work beyond their retirement age the employee will be notified and the employer will adjust the employee's terms of employment to reflect the new working pattern. The employee's new working pattern will be final.

7. Date of Implementation

This policy is effective from **2nd July 2018** for all employees that occurred prior to this date.

8. Questions

If you have any questions regarding this policy, please contact **Peter J Thorne** on 01273 833333 or email peter.thorne@compactlaw.co.uk.

9. Alteration of this Policy

These guidelines will be subject to change. Any changes will be communicated to you by **Peter J Thorne**.