

**EPPING FOREST DISTRICT COUNCIL
PROCEDURE FOR MAKING A REQUEST TO WORK
BEYOND RETIREMENT DATE (AGE 65)
(FOR EMPLOYEES RETIRING ON OR AFTER 1ST APRIL 2007)**

1. Introduction

- 1.1 From October 2006 employees acquired a legal right, under the Employment Equality (Age) Regulations 2006, to request to work beyond their normal retirement age (currently age 65).
- 1.2 The Council has a duty to consider such requests but is not obliged to agree to them. Each case will be assessed on an individual basis.
- 1.3 Where the Council agrees to a request, a new retirement date will be set. The member of staff will then either retire on the new retirement date or make a further request to work beyond it, in accordance with this procedure.
- 1.4 There is no limit to the number of times a member of staff can request to extend his/her employment in this way. However, only one request can be made for each intended retirement date.
- 1.5 Where a change is agreed it will be a permanent variation of the employee's contract.

2. Eligibility

- 2.1 Staff are eligible to have a request considered under this procedure:-
 - no less than 3 months and no more than 6 months prior to their retirement date and
 - where the request is submitted, in writing, within this time period and in accordance with this procedure.

3. Informing the Employee of their Retirement Date

- 3.1 The HR Unit will write to the employee no less than 6 months prior to their retirement date.
- 3.2 The letter will inform them of the date on which they are due to retire, and of their right to make a request to work beyond this date. The letter will also confirm the timescale within which any request must be made. If no such request is received within the stated timescales, then the employee will retire on their existing retirement date, in the normal way.

4. Making a Request

- 4.1 Staff who wish to make a request, must do so no less than 3 months and no more than 6 months prior to their current retirement date.
- 4.2 Staff should submit their request in writing, to their line manager, using Form RWB1 – "Request to Work Beyond Retirement Date Form".

- 4.3 The request must state whether the member of staff wishes to work:-
- indefinitely, or
 - for a stated period, or
 - until a certain date.
- 4.4 The request may also include potential changes to working hours and /or patterns. If so, details must be recorded on the form. Please note, however that there is no provision for this within the Regulations and the Council has no obligation to accept any such request.
- 4.5 A request will be taken as having been made on the day that it is received by the line manager.
- 4.6 Where a request is made by email or fax, it will be taken as having been received on the day it was received by the manager.

5. Considering the Request

- 5.1 Upon receiving a request the line manager must complete the “Employer’s Confirmation of Receipt Form” (RWB2) and return it to the employee. The line manager must send a copy of this and of the request itself to the HR Unit for their records.
- 5.2 The line manager must seriously consider the request in the context of service needs. The HR Unit is available to provide support and advice on this matter.
- 5.3 If the line manager is happy to agree to the request s/he should complete Form RWB3 “Acceptance of Request to Work Beyond Retirement Date Form 1” and pass a copy to the employee and the HR Unit. This should be done as soon as possible but no later than 28 days after receipt of the request.
- 5.4 The HR Unit will then amend the employee’s records to reflect the new arrangements.
- 5.5 If the line manager feels unable to agree the request initially, s/he must meet with the employee to allow them to put forward their case and to consider alternatives, if appropriate. The meeting must be held within a reasonable timescale but no later than 28 days after receipt of a request.
- 5.6 The manager must confirm the details of the meeting to be held by completing Memo RWB4 “Meeting to Discuss Request to Work Beyond Retirement Date Memo” and sending a copy to the employee and the HR Unit.
- 5.7 If, despite the manager’s efforts to arrange a meeting within a reasonable time period, the meeting cannot be held s/he may inform the employee of his/her decision, in writing, without the meeting being held.

- 5.8 The meeting will be attended by:-
- The Line Manager
 - The Employee
 - A companion or representative of the employee (see Section 8).
- 5.9 The meeting is an opportunity for the employee to put their case. Where the line manager feels unable to accept the stated request s/he should also consider any compromise solution that may be appropriate.
- 5.10 It is acceptable for the line manager to propose alternative working patterns and retirement dates other than those proposed by the employee, if s/he is persuaded by the employee's case not to be retired.
- 5.11 If the line manager agrees to the request or has agreed to an alternative, s/he must inform the employee as soon as possible but no later than 14 days after the meeting by completing Form RWB5 "Acceptance of Request to Work Beyond Retirement Date Form 2". A copy must also be sent to the HR Unit.
- 5.12 If the line manager does not agree to the request and cannot agree an alternative s/he must inform the employee, as soon as possible but no later than 14 days of the meeting, by completing Form RWB6 "Rejection of Request to Work Beyond Retirement Date Form". A copy must also be passed to the HR Unit.
- 5.13 The line manager must explain his/her reasons for rejecting the request. The HR Unit is available for advice and guidance on this matter.

6. The Appeal Process

- 6.1 If the employee disagreed with the manager's decision to reject their request or to propose a new retirement date that is prior to their original request, they may make an appeal to their Head of Service. NB: There is no right of appeal against any decision to reject, or offer an alternative to, a request to change working patterns/hours.
- 6.2 If the employee making the appeal reports directly to a Head of Service, the appeal will be heard by a member of the Council's Management Board.
- 6.3 If the employee making the appeal reports directly to a member of the Management Board, other arrangements will be made, at the discretion of the Council.
- 6.4 The appeal must be made in writing using Form RWB7 "Request to Work Beyond Retirement Date Appeal Form" and must be submitted within 14 days of receipt of the manager's decision to reject the request or offer an alternative.
- 6.5 Upon receipt of the Appeal Form, the Head of Service will:-
- Provide a copy to the HR Unit.

- Provide a copy to the employee's line manager and obtain all the case paperwork from him/her.
 - Send the completed Confirmation of Receipt slip to the employee.
- 6.6 The Head of Service may decide to uphold the appeal without holding an appeal meeting. If so, s/he must inform the employee and the employee's manager within 14 days of receipt of the Appeal Form, using Form RWB8 "Request to Work Beyond Retirement Date Appeal Acceptance Form". This form should also be copied to the HR Unit.
- 6.7 The Head of Service may decide not to accept the appeal without an appeal meeting and, if so, must organise the meeting within 14 days of receipt of the Appeal Form, using Memo RWB9 "Request to Work Beyond Retirement Date Appeal Meeting Memo". Copies should be sent to the employee, the employee's manager and the HR Unit.
- 6.8 The appeal meeting will be attended by:-
- The Head of Service ("the Chairman"). The Chairman may also be advised by a HR representative if s/he wishes.
 - The employee's manager.
 - The employee.
 - A companion or representative of the employee, if required (see Section 8).
- 6.9 Both the employee and his/her manager will be given the opportunity to submit their views on the matter and answer questions from the Chairman, if required.
- 6.10 The Chairman will notify the employee and his/her manager of their decision, within 14 days of the appeal meeting. The notification will be in writing using form RWB10 "Request to Work Beyond Retirement Date Appeal Outcome Form". A copy must also be sent to the HR Unit.
- 6.11 The Chairman's decision is final and the procedure will end at this point. There will be no right to raise a grievance under the Council's grievance procedure, against the outcome of the appeal, or to invoke any other procedure.

7. Extensions to the Time Limits

- 7.1 Cases may arise where the time limits specified in this procedure are impractical and an extension may be required. If so, the relevant manager must discuss the matter with the employee and confirm the revised timescales, in writing. A copy must be passed to the HR Unit.
- 7.2 A time limit extension will automatically apply where the manager is absent on annual or sick leave when the original request is received. In this case, the timescales for the initial meeting will be 28 days from the date of the manager's return to work.

8. The Right to be Accompanied

- 8.1 The employee has the right to be accompanied, at the initial meeting and at the appeal meeting, by a colleague or representative.
- 8.2 The companion may address the meeting and confer with the employee during the meeting but may not answer questions on behalf of the employee.
- 8.3 If the chosen representative is unavailable for the proposed meeting, then the employee may request that the meeting be re-arranged. The meeting will then be reconvened to another date convenient to management and within 7 days of the date that was first proposed. If this cannot be achieved, the employee should consider an alternative representative who can attend the meeting.
- 8.4 The representative will receive normal pay for the time spent attending meetings under this procedure.

9. Withdrawal of a Request

- 9.1 The employee may decide to withdraw their request before it is agreed. If so, they must confirm their withdrawal, in writing, to their line manager, using Form RWB11 "Request to Work Beyond Retirement Date Withdrawal Form".
- 9.2 Upon receipt of the withdrawal, the manager will complete the Employer's Confirmation of Withdrawal Section and return it to the employee copying the HR Unit for their records.
- 9.3 Employees who withdraw a request will not be eligible to submit a second request.

10. Transitional Arrangements for employees with a retirement date between 1st October 2006 and 31st March 2007

- 10.1 Where an employee is due to retire within the 6 months following the introduction of the new Regulations, a transitional version of this procedure will apply.
- 10.2 Where notice of retirement has been or is to be given before 1st October 2006, the HR Unit will write to the employee giving notice of their retirement date, in accordance with Section 3.2 above.
 - 10.2.1 The notice given will be the period required by their contract of employment or, where there is insufficient time left to their retirement date, the maximum time available but no less than 4 weeks.
 - 10.2.2 Should the employee wish to make a request to continue to work beyond their retirement date they must submit their request as soon as possible (but no later than 4 weeks after their retirement date) in accordance with Section 4.2 above.
 - 10.2.3 The remainder of the procedure will be as detailed in 3.2 – 9.3 above.

- 10.3 Where notice of retirement is to be given on or after 1st October 2006, the HR department will write to the employee giving them notice of their retirement date in accordance with Section 3.2 above.
- 10.3.1 The notice given will be at least equal to the employee's contractual notice.
- 10.3.2 Should the employee wish to make a request to continue to work beyond their retirement date, they must submit their request as soon as possible and, if possible, 4 weeks before their retirement date. The request may be submitted 4 weeks after their retirement date at the latest.
- 10.3.3 The remainder of the procedure will be as detailed in 3.2 – 9.3 above.

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