



The Marsh Academy **Retirement Policy & Procedure**

1. Aims

This policy is designed to:

- Establish normal retirement age (as required by law).
- Prevent direct and indirect discrimination.
- Prevent harassment, victimisation and unfair treatment.
- Ensure equity of treatment by eliminating conditions, requirements, procedures and practices that are discriminatory and unjustified.

2. Scope

The retirement policy and procedures shall apply to all employees of the school.

3. General Principles

In order to help ensure fairness and in line with standard practice, this procedure uses a retirement age of 65.

All support staff will normally be required to retire on the day of their 65th birthday. This is known as the intended retirement date (IRD).

All teachers will normally be required to retire at the end of the term following their 65th birthday. This is known as the intended retirement date (IRD).

Under the Employment Equality (Age) Regulations 2006 all employees have the right to request not to be retired on their IRD.

4. Duty to consider process

Stage One - Declaration of Intent to retire or continue working

Staff will be notified between 6 & 12 months before their IRD of when the IRD will be and reminded of their right to request to work beyond that date.

- a) *If an individual wishes to retire at age 65* - the intentions form will be sent to the individual for completion. This must be returned to the Executive Principal (for support staff and teachers) or Chair of Governors (for the Executive Principal) between 3 & 6 months before the IRD. This is known as a 'planned retirement'.
- b) *If an individual wishes to continue working* – the intentions form which will be sent to the individual must be completed. This must be returned to the Executive Principal (for support staff or teachers) or the Chair of Governors (for the Executive Principal) between 3 & 6 months before the IRD.

Stage 2 - Meeting

- a) *Staff* - On receipt of the intentions form, the Executive Principal should invite the employee to a meeting to discuss the request. The employee has a right to be accompanied at the meeting by either a Trade Union representative or workplace colleague.

The employee should be given a proper opportunity to express their views and the Executive Principal should take into account their views and wishes and the general needs of the school in making their decision.

Following the meeting, the employee must be written to as soon as is practicable, stating that either:

- the request has been agreed, the length of the contract extension and the new retirement date or;
- the request has been refused, confirmation of the IRD and notification of the right of appeal.

Note: The meeting can be postponed for up to 5 working days (or longer by agreement) if the Trade Union representative or workplace colleague is unable to attend.

- b) *Executive Principal* - In the case of the Executive Principal, the process is the same as for staff. However the meeting will be with the Chair of Governors.

Stage 3 - Appeal

- a) *Appeals by Staff* - Staff who wish to appeal must submit a written notice of appeal stating the grounds of appeal to the Chair of Governors, within 10 days of receiving the written response.

The Chair of Governors (or any other nominated Governor) should hold a meeting with the employee and their Trade Union representative or workplace colleague within 10 working days of receiving the appeal.

Following the meeting, the employee must be written to as soon as is practicable, stating that either:

- the appeal has been successful, the length of the contract extension & the new retirement date
or;
- the request has been unsuccessful and confirmation of the date of retirement.

This is the final stage in this procedure and the decision is final.

Note: The meeting can be postponed for up to 5 working days (or longer by agreement) if the Trade Union representative or workplace colleague is unable to attend

- b) *Appeals by Executive Principal* - for appeals by the Executive Principal, the written notice of appeal should be sent to the Vice Chair of Governors and the appeal meeting will be with either the Vice Chair of Governors or another nominated Governor (this cannot include the Chair of Governors).

5. Timescales

Stage One - Declaration of Intent. Sent to staff within 6-12 months of IRD, returned by staff within 3-6 months of IRD.

Stage Two - Meeting. Within 10 working days of receipt of intentions form, a meeting followed by a written response within 10 further working days.

Stage Three - Appeal. Within 10 working days of receiving the notice of appeal, a meeting followed by a final written response within 10 further working days.

In some cases it may not be possible to meet these timescales. If a longer period of time is required to make a decision, the recipient of the intentions form or appeal letter should write to the employee outlining how long the decision might take and the reason for the delay.

6. Monitoring

This procedure is subject to Equalities Monitoring. Any data gathered will be confidential, will not identify individual employees and will not form part of this procedure.

7. Miscellaneous

- a) If the request to continue working can be agreed within a short space of time and the employee is notified accordingly, there does not need to be a meeting to discuss the request.
- b) The retirement will be seen as automatically unfair unless:
- retirement is the true reason for the employee's dismissal.
 - the employee has been properly notified of their retirement date.
 - the correct pre-retirement procedure (as detailed above) has been followed.
- c) This procedure must be repeated every time an employee nears an extended retirement date.