

DURHAM CONSTABULARY



Altogether Better Policing

Retirement, Medical Retirement & Resignation Policy

Application	Police Officers and Staff
Policy Owner	Human Resources
Version	13
Date of PUG approval	14.04.14
Last Review Date	12.06.20
Next Review Date	12.06.23
Protective Marking	Official
Publication Scheme Y/N	Yes
Durham Constabulary Freedom of Information Act Publication Scheme	



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1.0 RETIREMENT, MEDICAL RETIREMENT AND RESIGNATION POLICY

2.0 PURPOSE AND SCOPE

- 2.1 The purpose of this policy is to inform staff of the retirement, medical retirement and resignation procedure.
- 2.2 Durham Constabulary is committed to adopting a more flexible approach to retirement and recognises the benefits it can have for both employees and the organisation as a whole.

3.0 THE LEGAL BASIS AND LEGITIMATE AIMS

- 3.1 Durham Constabulary is required to comply with the requirements of:-
- The Health and Safety at Work Act 1974
 - The Police Act 1996
 - Police Pension Regulations
 - The Local Government Pension Scheme Regulations
 - Employment Rights Act 2002
 - Age Discrimination Act 2006
 - Home Office Circulator 030/2006
 - Police (Conduct) (Amendment) Regulations 2014
 - Police (Conduct, Complaints and Misconduct and Appeal Tribunal)(Amendment) Regulations 2017 – regulation 6
- 3.2 Throughout the operation of this policy Durham Constabulary will seek to take the least intrusive action which fits within the working policy criteria and will act fairly and proportionally to achieve the proposed purpose
- 3.3 Durham Constabulary will operate within the policing principles as defined by the College of Policing Code of Ethics and in support of this our policies will seek to promote Accountability, Fairness, Honesty, Integrity, Leadership, Objectivity, Openness, Respect and Selflessness.
- 3.4 The Force recognises the contribution of its entire staff and is committed to creating a fully inclusive working environment. This will be achieved by making reasonable adjustments where appropriate, valuing the differences that a diverse workforce can bring and challenging unlawful and unfair discrimination, bullying, harassment, victimisation and other unfair treatment based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, ethnicity, religion or belief, sex and sexual orientation.

4.0 POLICY STATEMENT

- 4.1 This policy applies to both Police Officers and Staff and specifies notice periods, compulsory retirement, medical retirements, retirements in the interests of efficiency, termination of duty, flexible retirement for Police Staff, uniform commendations and certificates of service.

5.0 RETIREMENTS

5.1 All Staff

- i) Applications to retire (other than by reason of compulsory redundancy of police staff) should be made to the Chief Constable via Head of Command/Department and forwarded to the Head of People, Standards and Development (PSD) Command

5.2 Police Officers

- i) Police officers up to and including the rank of Chief Inspector have a compulsory retirement age of 60 years old. For an officer with any higher rank the compulsory retirement age is aged 65 years.
- ii) The date may be postponed by the Chief Constable, up to and including the ranks of Superintendent, or by the Police and Crime Commissioner in cases of higher ranks. For any officer seeking to request an extension of service they must submit a report to the Chief Constable.
- iii) The compulsory retirement age does not affect the date at which an officer can retire with a pension under either Police Pensions Schemes (PPS), retirement at 60 years or the New Police Pension Scheme (NPPS), retirement at 65 years.
- iv) Where an officer is facing an allegation of gross misconduct, they may nonetheless submit an application to retire. In such cases, the officer will remain subject to the Conduct Regulations and the Complaints and Misconduct Regulations; this enables misconduct proceedings which could have led to dismissal to be taken to their conclusion, notwithstanding the officer's earlier termination of service

5.2.1 Retirements in interests of efficiency

- i) Under the Police Pension Regulations (A19), a Police Officer who has become qualified by length of service to receive on retirement without medical certificate, a pension at the rate of two-thirds of their average pensionable pay, may be required to retire on the grounds that their retention would not be in the interests of efficiency.

5.3 Police Staff

5.3.1 Normal Retirement

- i) Police Staff may be considered for normal retirement when they achieve their relevant pension age which will be an individual's State Pension Age with a minimum age of 65.
- ii) The Force is able to apply certain discretions as a scheme employer in managing issues relating to LGPS benefits, this applies to employees that are or have been members of the Local Government Pension Scheme (LGPS) which provides the pension (see appendix A)

5.3.2 Early Retirement

- i) The Constabulary will use where appropriate the powers available to it under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England & Wales) Regulations 2006 (known here as the Compensation Regulations) and the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007, the Local Government Pension Scheme (Administration) Regulations 2008 and the Local Government Pension Scheme (Transitional Provisions) Regulations 2008 (all as amended) (known here collectively as the LGPS Regulations).

5.3.3 There are two types of early retirement

- i) Redundancy on efficiency grounds
 - For proposals based on redundancy the Head of PSD Command would need to confirm with the Head of Command that a post is redundant and that this post is to be deleted from the budgeted posts of the Constabulary

- Redundancy for the purposes of the LGPS Regulations includes retirement in the interests of efficiency, and where it is confirmed that these circumstances are met, accrued pension benefits under the LGPS Regulations are payable immediately.
- Alternative Employment - If an employee under notice of redundancy receives an offer of employment in local government or a related employer starting work within 4 weeks of leaving Force employment they are not entitled to a redundancy payment under this Scheme. Related employers are as set out in the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 (as amended).

ii) Applications initiated by the employee

- A small number of early retirement requests arise where an employee has personal reasons to retire early. As the employees concerned initiate these, they usually do not involve efficiencies for the Constabulary and therefore normally do not involve savings. It is the Constabulary's policy that these applications are considered individually by the Assistant Chief Officer together with the Head of PSD Command and the Head of Command.
- Flexible retirement is a gradual move into full retirement. From the age of 55 years an individual can reduce their hours and draw some or all of their pension benefits (individuals should contact Pay and Pensions Office regarding pension benefits)
- As both early and flexible retirement before the normal pension age may result in a reduction of benefits to take into account early and flexible retirement payment; individuals will be provided with details of the impact on their pension upon application. Applications for early or flexible retirement are subject to approval by the Assistant Chief Officer together with the Head of PSD Command and the individuals Head of Command who will assess the viability of granting the early or flexible retirement.
- Where there are no savings for the Constabulary it is not possible to consider compensation payments. There is often, however, depending on the circumstances of the applicant, a cost to the pension fund of allowing early release of pension, which may be borne by either the employer or the individual, and so each case needs to be carefully justified and considered. This is due to the fact since 1998, all Scheme Employers have been required to meet the capital ("strain on the Fund") costs arising from decisions made in relation to early release of the retirement benefits of their Employees on the grounds of redundancy/efficiency or early/flexible

retirement. This pension strain cost (sometimes known as “the hidden cost of retirement”) is calculated by Pension Fund Actuaries, and reflects the additional costs to the Fund resulting from:-

- Pension benefits becoming payable earlier than assumed
- Pension benefits being paid for a longer period of time
- Employer/Employee contributions being paid in for a shorter period of time than assumed
- Ongoing changes to “Normal Retirement Age” being introduced incrementally by the Government

None of these additional costs are included in the Actuary’s funding basis, and no allowance can be made within the Employers’ contribution rate for early retirement, except on the grounds of ill-health. The Constabulary would therefore be required to make an additional lump sum payment in to the Pension Fund to cover these additional costs, and it is this amount (the “capitalised cost”) which must be recoverable within a 3 year period, otherwise an application will not be approved, unless an individual agrees to bear the full cost themselves by way of reduction in pension.

- Where pension benefits would potentially be reduced because the applicant is under the scheme normal pension age and does not fully meet the age and service criteria required to be eligible for unreduced benefits under the LGPS Regulations, known as the Rule of 85, applications may be considered with the option of waiving on compassionate grounds the potential reduction, under the provisions of the LGPS Regulations, but this would add to the cost of the proposal.
- In accordance with good practice, the estimated payback period will be reported in each case. This represents the predicted time it will take for net annual savings to repay the initial costs of termination, calculated in years. Each case should normally report a payback period of no more than three years. Cases that do not fall within this criterion will not usually be approved.

5.3.4 Eligibility

- i) The following eligibility restrictions apply, based on existing legislation:
 - Applicants must have two years continuous local government service before a redundancy payment or a related discretionary compensation payment can be made.
 - Applicants who are under 55 cannot have pension benefits released.

5.3.5 Notice waiver

- Where any early retirement, voluntary redundancy or discretionary compensation payment is agreed in accordance with this Scheme, either on the basis of redundancy or efficiency, or where it is has been initiated by an employee, it is on condition that the employee so volunteering for one of the above severance arrangements will waive her/his rights to the notice period stated in her/his Statement of Main Terms and Conditions of Employment and agree to a termination date set by the Constabulary.

6.0 MEDICAL RETIREMENT

6.1 All Staff

- i) The Force Medical Advisor, the Force Executive or a an Individual Police Officer can all make a request for an independent medical assessment on an individual's fitness to perform their duties and to ascertain whether or not the individual is fit to continue working in the organisation. There is no provision under the Local Government Pension Scheme for a Police Staff member to request a referral.
- ii) The Force may refer an individual to a Specialist/Consultant (if they are not already under the care of one) to obtain an up to date medical report.
- iii) If the request is supported the individual will be contacted by their line management and formally advised that they are to be referred for an independent medical opinion. HMU will request the individual to complete a pers 254 to give consent:-
 - to the referral and examination by an Independent/Selected Medical Practitioner
 - for the Independent/Selected Medical Practitioner to have access to the medical records held by HMU, GP reports, Specialist and Treating Consultant reports and the appropriate sickness information retained by HR and Health Services.
 - and for the release of the independent report to the Head of PSD Command
- iv) On receipt of a signed pers 254 form an appointment will be made with the Independent/Selected Medical Practitioner. No travelling expenses will be paid when an individual makes a request for an earlier Selected Medical Practitioner appointment and attends the clinic located at Leeds.

- v) If the individual refuses to provide consent to enable the Constabulary to obtain or release all of their medical information/records to the Independent/Selected Medical Practitioner, the Independent/Selected Medical Practitioner will only be able to consider the information he/she has available to him/her. In the event that the Independent/Selected Medical Practitioner subsequently advises that he/she is unable to make an informed decision based on the information provided, the cost of obtaining additional medical evidence and any subsequent reassessment by Independent/Selected Medical Practitioner will be borne by the individual member of staff.
- vi) If a Police Officer requests a referral to the Selected Medical Practitioner (as opposed to a recommendation to refer being made by the FMA) any costs associated with obtaining additional medical information at any stage of the process will be borne by the Officer. In addition if the Officer appeals against the initial Selected Medical Practitioner's opinion the cost associated with any subsequent reassessment by the Selected Medical Practitioner will also be borne by the Officer.

6.2 Police Officers

- i) In line with the Police Pension Regulations 1987 & 2006, Police Officers will be referred to an appropriately qualified, independent medical practitioner known as the Selected Medical Practitioner.
- ii) The Selected Medical Practitioner will be asked for an opinion on:
 - whether or not the officer is currently disabled from performing the ordinary duties of a member of the police force and the medical basis for this
 - whether or not the officer is permanently disabled from performing the ordinary duties of a member of the police force and the medical basis for this

And

 - For advice (based on the permanently disabling medical condition), on the officer's ability to carry out a range of activities or capabilities for reasonable periods of time along with any recommended adjustments for consideration by management to assist the officer in managing his/her condition in relation to their work.

- iii) For officers who are members of the 2006 pension scheme, the Selected Medical Practitioner will also be asked for an opinion on:
- whether or not the officer is currently disabled for regular full-time employment and the medical basis for this
 - whether or not the officer is permanently disabled for regular full-time employment and the medical basis for this
- iv) The Selected Medical Practitioner's report will be communicated to the officer along with their rights of appeal. The officer will have 28 days in which to appeal against the content of the Selected Medical Practitioner's report and the recommendation to the Chief Constable on his/her future service.
- v) Should the officer wish to appeal against either the Selected Medical Practitioner's report or recommendation to the Chief Constable on their future service then they will need to indicate this in writing to the Head of PSD Command. The officer will then be contacted in writing and asked to provide the reasons for their appeal along with any new medical information within 28 days. (This timescale can be extended on application). The Police Pension Regulations allow a resolution whereby the Chief Constable and an appellant can mutually agree to refer the matter back to the Selected Medical Practitioner for reconsideration. Consideration is given to this option by the Chief Constable once the statement of the grounds of appeal has been received.
- vi) If appropriate another appointment will be made for the officer to be reassessed by a Selected Medical Practitioner. On receipt of the Selected Medical Practitioner's report, the initial decision on the individual officer's future service will be reviewed. This recommendation along with the Selected Medical Practitioner's report will be forwarded to the officer.
- vii) The officer will be advised that he/she has 28 days in which to decide whether or not to proceed with a formal appeal.
- viii) If the officer wishes to proceed with a formal appeal then this will be forwarded to Police Medical Appeals Board who will hear the submissions from the Constabulary and the officer's representative and also carry out a medical examination of the officer before communicating their decision to both parties. If the Constabulary and/or the officer are dissatisfied with the Police Medical Appeals Board's decision then the case will need to be referred to the appropriate court of law.

- ix) If no appeal is submitted the Chief Constable will determine, following appropriate advice, if the officer should:-
- Continue his/her role as a police officer
- OR
- Be medically retired
- x) Once the Chief Constable has approved the medical retirement, the officer will be entitled to 28 days' notice. He/she will be advised in writing of their retirement date by the HR Section which will be 28 days after the date the correspondence is signed by the Head of PSD Command.
- xi) An officer may relinquish their right to part or all of their 28 days' notice by applying in writing to Head of PSD Command requesting an earlier retirement date.

6.3 Police Staff

- i) In line with the Local Government Pension Scheme (LGPS) Regulations, Police Staff will be referred to an independent, duly qualified registered medical practitioner approved by the Pension Fund Administrating Authority.
- ii) The Independent Registered Medical Practitioner will be asked for an opinion as to whether the individual member of staff is permanently incapable of discharging efficiently the duties of his/her employment with the organisation because of ill health or infirmity of mind or body.
- iii) If, in the opinion of Independent Registered Medical Practitioner, the individual member of staff is permanently incapacitated, he/she will be asked to provide further advice, for pension purposes, on whether the individual
- Is likely to be capable of obtaining gainful employment within the next three years, or before his/her normal retirement age (Tier 3)
- Or
- Is likely to be capable of undertaking any gainful employment within the next 3 years but is likely to be capable of undertaking gainful employment at some time thereafter and before his/her normal pension age (Tier 2)

Or

- is likely to be capable of undertaking gainful employment before his/her normal pension age (Tier 1)
- iv) The Chief Constable's decision and the Independent Registered Medical Practitioner's report will be communicated to the individual member of staff along with their rights of appeal. The individual member of staff will have 14 days in which to appeal against the content of the Independent Registered Medical Practitioner's report and the Chief Constable's decision on his/her future employment. No formal decision will be made until the end of the 14 day appeal period.
- v) Should the individual member of staff wish to appeal against either the Independent Registered Medical Practitioner's report or the Chief Constable's decision on their future employment then they will need to indicate this in writing to the Head of PSD Command and provide appropriate documentation to support their appeal. Following the receipt of an appeal the Chief Constable will consider the appeal and may, if appropriate, refer the individual member of staff to be reassessed by the Independent Registered Medical Practitioner.
- vi) If the individual member of staff is still dissatisfied with the Chief Constable's response to their appeal, they may refer the matter to a Specified Person nominated by the Pension Fund Administering Authority to consider disputes concerning pension matters. Any referral to the Specified Person must be made in writing and within 6 months of being notified of the Chief Constable's initial decision. A decision will normally be provided within 2 months of receipt of the appeal. If the individual member of staff is still dissatisfied with the findings of the Specified Person they may refer the matter in writing to the Pension Fund Administering Authority within 6 months of the Specified Person's decision. The Pension Fund Administering Authority will normally advise on their decision within 2 months. Should the individual member of staff continue to be dissatisfied with the decision they may refer the matter to the Pensions Advisory Services and the Pensions Ombudsman.
- vii) If no appeal is submitted the Chief Constable will determine, following appropriate advice, if the individual member of staff should
- Continue in appropriate employment as a member of police staff

OR

- Be medically retired

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- viii) If an individual member of staff is not a member of the LGPS he/she will still be subject to an assessment by the Independent Registered Medical Practitioner before any decision is made to medically retire them.
- ix) Individuals who are medically retired with a tier 3 ill health pension will be subject to an 18 month review by an Independent Registered Medical Practitioner

6.4 Salary Status – All

- ix) If the SMP/IRMP recommends the individual is permanently disabled from performing a role within the Constabulary and is subsequently to be medically retired, the individual will remain on their current pay status at the time of referral which may be full, half or nil pay and will only be reinstated to full pay (if necessary) when the notice period commences if medical retirement is progressed.

7.0 RESIGNATIONS

7.1 Police Officers

- i) An Officer must offer the Chief Constable his/her written notice of resignation one month prior to their proposed date of leaving the service. A Shorter notice may be considered by the Chief Constable upon request.
- ii) If an Officer is suspended from duty, any resignation will have to be submitted to the Chief Constable for approval or otherwise subject to paragraph iii) below
- iii) An Officer may not submit his/her resignation where there is an outstanding allegation of gross misconduct which could lead to dismissal.
- iv) Probationer Constable whose services would otherwise be dispensed with may, in accordance with Regulation 15 Police Regulations, 1995, give less than one month's notice.
- v) An Officer who has given the required notice will perform their normal tour of duty up to midnight on the last day of their notice

7.2 Police Staff

i) Notice Given by Durham Constabulary

Subject to the overriding provision that police staff receive one week's notice for each completed year of service up to a maximum of 12, the Constabulary will unless otherwise specified give the following period of notice when terminating employment:-

<u>Period of continuous employment</u>	<u>Minimum notice</u>
One week or more but less than one year	One week
One year or more	One week for each year of employment up to a maximum of 12 weeks.

ii) Notice given by Police Staff

The period of notice to be given to the Chief Constable by Police Staff who terminate their employment is as follows, unless otherwise specified:-

Higher Principal and Principal Officer grades	6 weeks
All Other staff	4 weeks.

Applications to resign or retire should be made to the Chief Constable and submitted via Head of Command/Department and forwarded to the Head of PSD Command

- iii) In individual cases either the Chief Constable or the member of the Police Staff may give a longer period of notice than those set out in 7.2 (i) and 7.2 (i) or may by mutual agreement accept a shorter period of notice or waive the right to notice altogether. When terminating employment the Chief Constable may, make a payment in lieu of notice.
- iv) For the purposes of the notice period, the last date of employment will be the last working day with Durham Constabulary. For police staff who are to be appointed by another Police Force or Local Authority, the last day of

employment will be the day immediately prior to the start date with the new employer.

- v) In exceptional circumstances the Chief Constable may grant the employee a period of 'Garden Leave' (paid leave), during all or part of the notice period. During this period of leave the employee remains bound by their terms and conditions of employment
- vi) In exceptional circumstances the Chief Constable may offer payment in lieu of notice period above.
- vii) A member of staff who has given the required notice will perform their normal tour of duty up to midnight on the last day of their notice unless a payment in lieu of notice has been paid.
- viii) Police Staff dismissed for gross misconduct under summary dismissal will not be given notice or any payment in lieu of notice. (See Misconduct - Disciplinary Policy).

8.0 GUIDANCE - ALL STAFF

8.1 Untaken Annual Leave

- i) Police Officers and Staff who are to retire, including on medical grounds or who resign should take their annual leave entitlement and TOIL (if appropriate) prior to the date they leave the Force. Heads of Command/Department should manage this process to avoid monetary reimbursement however, in exceptional circumstances payment may be made for any untaken leave as outlined below.
- ii) Payment in lieu for any untaken annual leave and TOIL will only be granted if the individual has been unable to take leave due to sickness absence and there is insufficient time for them to take their leave owed before the leaving date. Payment for any untaken leave from previous years (subject to a maximum backdating period of 18 months) allocation will be calculated at the statutory leave rate which is 20 days.
- iii) Payment for RDIL for Police Staff only will be granted if the individual has been unable to take such due to sickness absence and there is insufficient time for them to take RDIL before the date of leaving.

8.2 Payment in Lieu of untaken annual leave/Toil in the current leave year

- i) This entitlement will be calculated as follows
- Leave entitlement from 1st January to retirement/resignation date
 - Less any annual leave take during the year
 - Payment will be calculated based on an individual's entitlement as per contractual arrangements or police regulations, for the year in which they retire or resign
 - Plus any TOIL balances

A pro rata adjustment will be made for officers and staff working reduced hours.

In the event that an individual has taken more than this entitlement, then the Constabulary will reclaim the cost of this from their final salary or pension payment.

9.0 CERTIFICATE OF SERVICE

- i) On leaving the force, all staff are granted a certificate showing their rank in respect of police officers, or most recent post for police staff along with their period of service in this and any other police force
- ii) When a member of staff is about to leave for any reason, the Head of Command/ Department, should submit a report to the Head of PSD Command outlining any complaints or reports of any kind that have been made against them, entered in the Discipline Book or dealt with without reference to the Chief Constable.

10.0 EXIT MONITORING

Please refer to Exit Monitoring Policy.

11.0 REFERENCES

The Chief Constable is the only authority who can provide an employment reference. All requests therefore for an employment reference for either serving Officers/Police Staff or those that have left the Constabulary, should be submitted to the Chief Constable at all times. The preparation of such is undertaken by HR on behalf of the Chief Constable.

12.0 UNIFORM

- i) Uniform must not be sold or passed on to any other person. Unused uniform and uniform suitable for cleaning and reissue should be returned to Stores, together with equipment and accoutrements. Any other used uniform should be disposed of responsibly by the staff concerned, ensuring all rank and collar identifications are removed and destroyed or returned to Stores as appropriate.

13.0 WARRANT CARDS AND IDENTIFICATION CARDS (I.D.)

- i) All Police warrant cards and Police staff identification cards must be returned to HR on their last day of service.

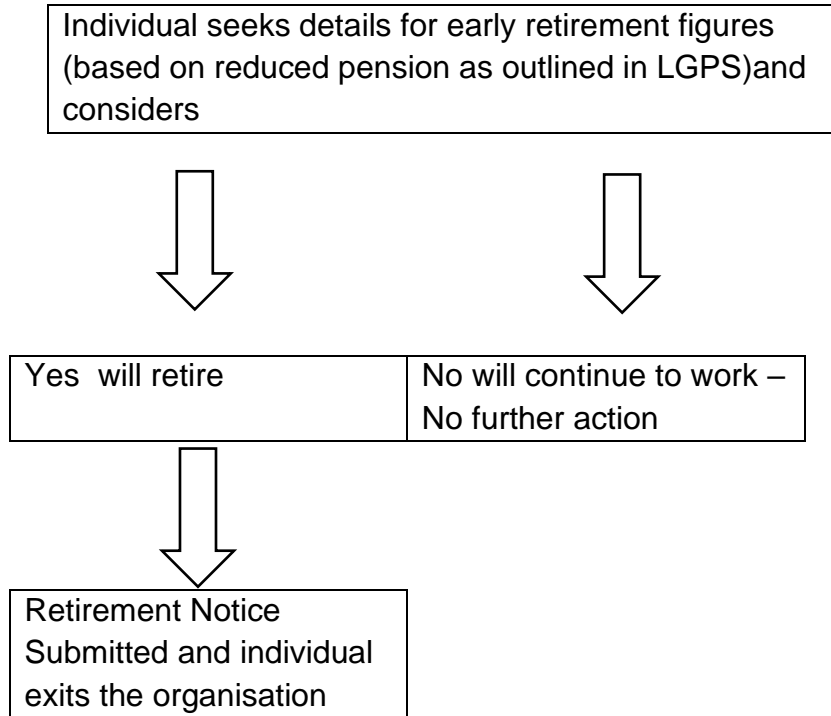
14.0 APPEALS PROCEDURE

If an individual wishes to appeal against any decision made in connection with this policy, they should write to or email, the Deputy Chief Constable at the below address within 14 days of receiving a decision. The appeal will be considered and consultation will take place with appropriate individuals to establish all facts before a decision with regard to the appeal is made. A response to the appeal will be provided in writing within 10 working days of receipt of the appeal. Should this period not be achievable the individual will be notified in writing when a decision will be communicated.

The Deputy Chief Constable
c/o Human Resources
Police Headquarters
Aykley Heads
Durham
DH1 5TT

Email human.resources@durham.pnn.police.uk

EARLY RETIREMENT PROCESS FOR POLICE STAFF



Summary of the 5 Key Mandatory Discretions relating to current contributing employees and leavers to be exercised on and after 1 April 2014 (as at 14 May 2018)

Discretion	Durham Constabulary Policy
<p><u>Whether to grant extra annual pension</u> Whether, at full cost to the Scheme employer, to grant extra annual pension of up to £6,822 (figure at 1 April 2018) to an active member or within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency</p>	<p>The Force will not normally grant any additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency but may consider it under exceptional circumstances, taking into account the business case and foreseeable costs to the employer</p>
<p><u>Whether to share the cost of purchasing additional pension</u> Whether, where an active member wishes to purchase extra annual pension of up to £6,822 (figure at 1 April 2018) by making additional pension contributions (APCs), to <i>voluntarily</i> contribute towards the cost of purchasing that extra pension via a shared cost additional pension contribution</p>	<p>The Force will not normally exercise this discretion but may consider such under exceptional circumstances taking into account a business case and the foreseeable cost to the Force</p>
<p><u>Whether to permit flexible retirement</u> Whether to permit flexible retirement for staff aged 55 or over who, with the agreement of the Scheme employer, reduce their working hours or grade and, if so, as part of the agreement to permit flexible retirement:</p>	<p>The Force will not normally exercise this discretion where there are no savings for the Force, as it is not possible to consider compensation payments. There is often, however, depending on the circumstances of the applicant, a cost to the pension fund of allowing early release of pension, which may be borne by either the employer or the individual, and so each case needs to be carefully justified and considered. This is due to the fact since 1998, all Scheme Employers have been required to meet the capital (“strain on the Fund”) costs arising from decisions made in relation to early release of the retirement benefits of their Employees on the grounds of redundancy/efficiency or early/flexible retirement.</p>

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<p>Whether to ‘switch on’ the 85 year rule (always excludes flexible retirement) upon the voluntary early payment of deferred benefits</p> <p>Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.</p>		<p>The Force will not normally exercise this discretion but may consider it under exceptional circumstances, taking into account the business case and foreseeable costs to the employer.</p> <p>Where pension benefits would potentially be reduced because the applicant is under the scheme normal pension age and does not fully meet the age and service criteria required to be eligible for unreduced benefits under the LGPS Regulations, known as the Rule of 85, applications may be considered with the option of waiving on compassionate grounds the potential reduction, under the provisions of the LGPS Regulations, but this would add to the cost of the proposal.</p>
<p>Whether to waive upon the voluntary early payment of benefits, any actuarial reduction on compassionate grounds or otherwise</p> <p>Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement</p>		<p>The Force will not normally waive the actuarial reduction for routine flexible retirements but will consider on a case by case basis waiving in whole or part for workforce reduction flexible retirements</p>

Discretions relating to leavers 01/04/2008 to 31/03/2014:		
Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30		The Force will not normally exercise this discretion but may consider it under exceptional circumstances, taking into account the business case and foreseeable costs to the employer.
Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A for a suspended tier 3 member.		The Force will not normally exercise this discretion but may consider it under exceptional circumstances, taking into account the business case and foreseeable costs to the employer.
Whether to “switch on” the 85 year rule for a deferred member voluntarily drawing benefits on or after age 55 and before age 60.		The Force will not normally exercise this discretion but may consider it under exceptional circumstances, taking into account the business case and foreseeable costs to the employer.
Whether to “switch on” the 85 year rule for a suspended tier 3 member voluntarily drawing benefits on or after age 55 and before age 60.		The Force will not normally exercise this discretion but may consider it under exceptional circumstances, taking into account the business case and foreseeable costs to the employer.
Discretions relating to leavers 01/04/1998 to 31/03/2008:		
Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early.		The Force will not normally exercise this discretion but may consider it under exceptional circumstances, taking into account the business case and foreseeable costs to the employer.
Whether to “switch on” the 85 year rule for a deferred member voluntarily drawing benefits on or after age		The Force will not normally exercise this discretion but may consider it under exceptional circumstances, taking into account the business case and foreseeable costs to the employer.

55 and before age 60.		
Grant application for early payment of deferred benefits on or after age 50 and before age 55.		The Force will consider early release on a case by case basis, taking into account the business case, HMRC unauthorised payment charges and foreseeable costs to the employer.

Discretions relating to leavers before 01/04/1998:		
Grant application for early payment of deferred benefits on or after age 50 on compassionate grounds.		The Force will consider early release on a case by case basis, taking into account the business case, HMRC unauthorised payment charges and foreseeable costs to

Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30		The Force will not normally exercise this discretion but may consider it under exceptional circumstances, taking into account the business case and foreseeable costs to the employer.
Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A for a suspended tier 3 member.		The Force will not normally exercise this discretion but may consider it under exceptional circumstances, taking into account the business case and foreseeable costs to the employer.
Whether to “switch on” the 85 year rule for a deferred member voluntarily drawing benefits on or after age 55 and before age 60.		The Force will not normally exercise this discretion but may consider it under exceptional circumstances, taking into account the business case and foreseeable costs to the employer.
Whether to “switch on” the 85 year rule for a suspended tier 3 member voluntarily drawing benefits on or after age 55 and before		The Force will not normally exercise this discretion but may consider it under exceptional circumstances, taking into account the business case and foreseeable costs to the employer.

age 60.		
Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early.		The Force will not normally exercise this discretion but may consider it under exceptional circumstances, taking into account the business case and foreseeable costs to the employer.
Whether to “switch on” the 85 year rule for a deferred member voluntarily drawing benefits on or after age 55 and before age 60.		The Force will not normally exercise this discretion but may consider it under exceptional circumstances, taking into account the business case and foreseeable costs to the employer.
Grant application for early payment of deferred benefits on or after age 50 and before age 55.		The Force will consider early release on a case by case basis, taking into account the business case, HMRC unauthorised payment charges and foreseeable costs to the employer.
Grant application for early payment of deferred benefits on or after age 50 on compassionate grounds.		The Force will consider early release on a case by case basis, taking into account the business case, HMRC unauthorised payment charges and foreseeable costs to

EQUALITY IMPACT ASSESSMENT (EIA)

RETIREMENT, MEDICAL RETIREMENT AND RESIGNATION POLICY

An equality impact assessment (EIA) form **must** be completed by the Policy/Function lead when developing or reviewing policies or procedures which may impact on the way the Force conducts its business (both internally and externally) and must show that when making decisions we:-

- Give due regard to the impact it will have on protected groups
- Undertake an assessment **prior to** any decisions around policies/procedures being ratified to identify what potential impact has been found and subsequent action taken, and
- Provide an audit trail of the assessment undertaken which identifies how the policy or procedure is likely to affect protected groups.

The EIA must be completed **before** decisions are made, and remain a live document to be reviewed and continually updated during policy/procedure development or updating

This form is a Tool to document the assessment and should be completed, attached to the relevant policy/procedure document and submitted to the HR User Group or other strategic group for ratification

1) Purpose of the policy. Why do we need it and what will it achieve

To inform staff of the procedure with regard to Retirement, Medical Retirement and Resignation

2) Explain briefly why the Policy/Procedure is being developed or reviewed?

Policy updated to reflect the removal of commendations awarded to members of staff before 1995 being recorded on one certificate, framed and presented to the member of staff prior to retirement.

3) What research/resources have been used or considered in the initial stages of this assessment?

4) Who has been consulted around the potential impact during the development/amendment of the policy/procedure

All support networks.	Force Executive (AC0)
HR Staff	Independent Advisory Groups (IAG's)
Staff associations	
Legal Services	
Heads of Command	

5) Following assessment of available information, has a positive or adverse impact been identified OR is the initiative equality neutral?

A **Positive Impact** – will actively promote equality of opportunity or improve relations between one or more groups

An **Adverse impact** – will cause some form of disadvantage or exclusion.

Neutral impact is when there are no notable consequences for any diversity group

Provide details on ALL decisions for ALL the protected characteristic groups below. Specify what actions, if any, will be taken as a result of the assessment, provide any findings and the reason any decisions were reached, and determine what changes may be necessary to either reduce any adverse impact or enhance any beneficial impact.

If an adverse (negative) impact has been identified question 5 must be completed.

	<u>Positive</u>	<u>Negative</u>	<u>Neutral</u>	<u>Details</u>
Age			X	
Disability			X	
Transitioning from one sex to another (either thinking of, in the process of or have)			X	
Marriage and Civil Partnership			X	
Pregnancy and Maternity			X	
Race			X	

	Religion or Faith			X	
	Sex			X	
	Sexual Orientation			X	
	6) If a negative impact has been identified, please provide further details stating what actions need to be undertaken as a result of the section 5). How any negative impact can be justified for this initiative.				

	Confirm the above Actions have been incorporated and the EIA is now ready for submission to HR PUG or other Strategic Group.	
	Signature...	
	Name Sylvia Horsfield	Date 12th June 2020
	7) – Ratify the Policy / Procedure at HR PUG or other Strategic Group	
	Meeting/Group:-	HR PUG
	Chair of Meeting/Group:-	T/C/Supt Chris Curtis