



**EMERSONS GREEN**  
TOWN COUNCIL

# Retirement Policy

Date Ratified by Full Council: **13 February 2020**

Next review date: **13 February 2023**

Signed:

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Chairman of Emersons Green Town Council

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## 1. Introduction

- 1.1 **The Legal Position:** The Employment Equality (Age) Act 2006 Default Retirement Age provisions have been repealed and as from 6 April 2011, there is no upper age for employment and no default retirement age. The changes are in line with Equality Act (October 2010). This means that:
  - 1.1.1 it is no longer lawful for an employment relationship to end by retirement unless the employer can justify it with sound evidence that an employee cannot work safely due to his/her age or the employee agrees to it;
  - 1.1.2 any Emersons Green Town Council employee who will reach 65 on or after 6 April 2011 will be subject to the law which makes termination of employment on the grounds of age unlawful and discriminatory.
- 1.2 Emersons Green Town Council acknowledges and recognises:
  - 1.2.1 that the working population is getting older partly due to increased life expectancy rates and shortfalls in pension provision. This means that employees are retiring later;
  - 1.2.2 the value of retaining employees over the age of 65 and employing a workforce that reflects the diversity of the local community;
  - 1.2.3 the efficient and effective use of skills requires that employment decisions are based on competencies, qualifications, skills, potential and objective job-related criteria obtained through careful analysis of job requirements and job performance;
  - 1.2.4 that there is no default retirement age and that employees can resign/retire when they choose unless there is a disciplinary/capability issue.

## 2. Voluntary Retirement

- 2.1 Employee voluntary retirement still exists as a form of bringing the employment relationship with Emersons Green Town Council to an end and will require contractual notice to be given to Emersons Green Town Council by the employee.
- 2.2 It will be up to employees to decide when to retire and this is likely to be based on the pension provision they have and their personal circumstances.

## 3. Preparing for Retirement

- 3.1 Any employee who stops work on or after their 65th birthday and is a member of the Local Government Pension Scheme can have their pension. Employees will be provided with information, via the Avon Pension Fund, on the pension implications of working beyond age 65.

- 3.2 The Town Council will seek to assist employees to prepare for retirement through:
- exit interviews;
  - by enquiring about South Gloucestershire Council pre-retirement courses;
  - by considering, as part of its support for a phased approach to retirement, requests for flexible working.

#### **4. Fair Reasons for Dismissal**

- 4.1 The fair reasons for dismissal for older workers will be identical to those for all other employees, e.g. conduct, capability, redundancy, statutory requirement or some other substantial reason (set out in s98 of the Employment Rights Act 1996).
- 4.2 Health and performance issues that arise will be dealt with as they would for any other member of staff.
- 4.3 If the Town Council is unhappy with the performance, conduct, or attitude of any worker then the process will be managed under the Town Council Disciplinary or Capability Policy.

#### **5. Policy Review**

- 5.1 This policy will be reviewed periodically. The Town Council reserves the right to review and amend the Retirement Policy in the light of operational experiences and any changes to employment or pension legislation or to the Local Government Pension Scheme.