Staff Retirement Procedure

This document is part of North Yorkshire Police policy to which all Chief Constable personnel and the functions provided by the Deputy Mayor for Policing as part of the York & North Yorkshire Combined Authority are required to adhere.

Procedure Statement

This procedure is part of North Yorkshire Police policy to which all North Yorkshire Police Personnel are required to adhere. This procedure must be read in conjunction with the Staff Retirement Guidance and retirement information in the North Yorkshire Pension Fund website.

This procedure sets out the North Yorkshire Police policy, for Police Staff, on retirement regarding;

- Retirement at Normal Pension Age
- Early Retirement
- Flexible Retirement
- Retirement on the grounds of redundancy
- Retirement on the grounds of ill health.

Overarching Policies:
Working Arrangements and Flexibility Policy

Procedures:
Flexible Working Procedure

Other Documents:
Staff Retirement Guidance
LGPS Pension Discretionary Policy 1
North Yorkshire Pension Fund (nypf) website - retirement
https://www.gov.uk/calculate-state-pension
Code of Ethics

Process

1. INTRODUCTION

1.1 This procedure covers all Police Staff who have membership of the Local Government Pension Scheme (LGPS). The Local Government Pension Scheme Regulations 2013 introduced a Career Average Revalued Earnings (CARE) pension scheme from 1 April 2014 in England and Wales (the 2014 Scheme)

1.2 The LGPS 2014 allows for greater retirement flexibility – individuals who meet certain criteria can retire at any time between the ages of 55 (57 from 6 April 2028) and 75 years old.

1.3 This procedure sets out the North Yorkshire Police policy, for Police Staff, on retirement on the grounds normal retirement, early retirement, flexible retirement - the ability to work for North Yorkshire Police whilst in receipt of a local government pension after the age of 55 (57 from 6 April 2028) - retirement on the grounds of redundancy and ill health retirement.

1.4 There are a number of circumstances when retirement benefits may be paid before Normal Pension Age and this procedure looks at those in more detail.

1.5 In the interests of equity amongst all staff, applications for early retirement will not be approved in place of appropriate disciplinary action or formal action under the Staff Performance procedure.

1.6 Police Staff who are not members of the Local Government Pension Scheme can leave North Yorkshire Police in line with normal contractual processes. The individual must put their intention to leave North Yorkshire Police in writing. Whilst an individual may be retiring (taking pension benefits from a different pension provider) they are resigning from North Yorkshire Police for administration purposes.

1.7 It is recommended that all individuals who are considering retirement seek the advice of a professional Independent Financial Advisor, to ensure that informed decisions are made.

2. RETIREMENT AT NORMAL PENSION AGE

2.1 The Normal Pension Age in the 2014 scheme is an individual's State Pension Age. Therefore, this will be a different age for different people. The website https://www.gov.uk/calculate-state-pension can be used to calculate State Pension Age.

2.2 Police Staff who reach their Normal Pension Age, who have more than 2 years membership of the scheme, and wish to retire must put this in writing. This should clearly state that they are leaving North Yorkshire Police because they are retiring.

2.3 As stated in paragraph 1.2, members of the LGPS2014 can retire after their Normal Pension Age up to the age of 75 years old, this is classed as 'late retirement'. The process for late retirement is the same as retirement at Normal Pension Age. Individuals who have more the 2 years membership of the scheme and wish to retire must put this in writing. This should clearly state that they are leaving North Yorkshire Police because they are retiring.

3. EARLY RETIREMENT

3.1 Any member of the Local Government Pension Scheme who has attained the age of 55 years (57 from 6 April 2028) or over and has more than 2 years membership of the scheme, can elect for the early payment of pension benefits. It should be noted that the pension paid will be based on the benefits accrued up until that point. Therefore, this will be less than if the member retired at Normal Pension Age.

3.2 Individuals aged 55 (57 from 6 April 2028) or over who wish to retire early must put this in writing. This should clearly state that they are leaving North Yorkshire Police through early retirement.

4. FLEXIBLE RETIREMENT

4.1 Flexible retirement provisions allow Police Staff to apply to North Yorkshire Police for consent to receive pension benefits as set out below yet continue to work for the Force where there is a reduction in either hours worked or pay grade. Individuals must be over 55 years old (57 from 6 April 2028) and have more than 2 years membership of the pension scheme to apply for flexible retirement.

Guidelines:-
'Reduction in hours' must be permanent and significant. Hours should be reduced by at least 20% e.g. from 5 days per week to 4 days, or

'Lower grade' must be permanent and result in a reduction of at least one full grade (A suitable vacancy must be available and filled by normal recruitment and selection process unless in exceptional circumstances and in the exigencies of the service).

If approved, this change to terms and conditions is permanent to comply with HMRC rules. This shows that an individual is phasing into full retirement. Therefore, after flexible retirement, an individual's hours of work should not change.

Further information about Flexible Retirement is available at https://nypf.org.uk/flexible-retirement/

4.2 Flexible retirement will be at the discretion of the Chief Constable/Senior Member of the York and North Yorkshire Office for Policing, Fire, Crime and Commissioning following recommendation from People Services and the relevant Safer Neighbourhoods Commander/Senior Manager/Director of Department if appropriate.

4.3 A Police Staff member can make an application using the Flexible retirement application form. This must be reviewed and comments added by first- and second-line management. Details of this process are described in section 4 of the Staff Retirement guidance.

4.4 Where an application is approved by the Chief Constable/ Senior Member of the York and North Yorkshire Office for Policing, Fire, Crime and Commissioning, the staff member will receive: -

- Pension benefits as accrued at the date of retirement but actuarially reduced as appropriate in accordance with the relevant Local Government Pension Scheme Regulations.
- A lump sum payment calculated on pension benefits as accrued at the date of retirement, actuarially reduced in accordance with the relevant Local Government Pension Scheme Regulations.

5. RETIREMENT ON THE GROUNDS OF REDUNDANCY

5.1 When employment is terminated due to redundancy, the Local Government Pension Scheme mandates the immediate payment of pension benefits to any member, who is aged 55 years (57 from 6 April 2028) or over and who has more than 2 years membership of the scheme. Employees who are made redundant aged under 55 years (57 from 6 April 2028) and have less than 2 years membership of the scheme, will have any accrued pension benefit deferred.

5.2 To qualify for early payment of pension on these grounds, the statutory definition of redundancy must be met, together with Regulation 30(7) of the Local Government Pension Scheme Regulations 2013.

5.3 Where an employee is entitled to pension benefits these will include:-

5.3.1 Pension benefits as they may have accrued at the date of retirement and as they may subsequently be adjusted annually.

5.3.2 A lump sum payment calculated on relevant reckonable service at the date of retirement.

6. ILL HEALTH RETIREMENT

6.1 In order for an individual to qualify for retirement on the grounds of ill health they must satisfy the qualifying conditions below:

6.1.2 The health condition renders the individual permanently incapable of discharging efficiently the duties of their current employment

6.1.3 The individual is not immediately capable of undertaking any gainful employment.

6.1.4 At the date of leaving the individual must have 2 years membership of the Local Government Pension Scheme.

6.2 The suggestion of permanent incapacity can be raised in the following ways;

6.2.1 From the Force Medical Advisor (FMA) following a review of a Police Staff member's health condition.

6.2.2 The Police Staff member can make a request for ill health retirement and must provide supporting medical documentation from their GP or Specialist. In these circumstances the individual will be required to attend an FMA appointment in order that the FMA can provide an opinion of permanent capacity, based on the medical information provided.

6.3 On receipt of medical information suggesting permanent incapacity, People Services will prepare a report for the People Operations Manager to enable him/her to make a determination on whether or not a Police Staff member will be referred to the Independent Registered Medical

Practitioner (IRMP) for a determination on permanent incapacity. Details of this process are described in section 6 of the Staff Retirement Guidance.

6.4 There are three tiers of pension benefit due to ill health retirement. The IRMP provides an opinion as to which, if any, are relevant in an individual's case. These are outlined below;

Tier	Action
1	If you are unlikely to be capable of gainful employment before your Normal Pension Age, ill health benefits are based on the pension you have already built up in your pension account at your date of leaving the scheme plus the pension you would have built up had you been in the main section of the scheme until you reached your Normal Pension Age. A first tier pension is not subject to any review mechanism.
2	If you are unlikely to be capable of gainful employment within 3 years of leaving, but are likely to be capable of doing so before your Normal Pension Age, ill health benefits are based on the pension you have already built up in your pension account at your date of leaving the scheme plus 25% of the pension you would have built up had you been in the main section of the scheme until you reached your Normal Pension Age. A second tier pension is not subject to any review mechanism.
3	If you are likely to be capable of gainful employment within 3 years of leaving, or before your Normal Pension Age if earlier, ill health benefits are based on the pension you have already built up in your pension account at leaving. After 18 months of pension payments, a review will be undertaken by the Force. Payments of these benefits will be stopped after 3 years, or earlier if you are in gainful employment or become capable of such employment, provided you have not reached your Normal Pension Age by then. If the payment is stopped it will normally become payable again from your Normal Pension Age

6.5 There are a number of obligations on an ex-Police Staff member who is retired due to ill health. These are outlined in paragraphs 6.6 – 6.12 of the Staff Retirement Guidance.

Responsibilities

North Yorkshire Police Personnel

will adhere to this procedure by:

- Completing the necessary applications forms
- Discussing their request with their line manager
- Providing consent for the release of medical records as necessary
- Attending Medical Reviews as required

Line Managers

will adhere to this procedure by:

- Discussing flexible retirement requests with individuals who have made applications
- Completing the necessary application forms and completing the business case for flexible retirement

People Services

will adhere to this procedure by providing appropriate advice and guidance as necessary:

- Obtaining pension release costs from North Yorkshire County Council
- Completing reports and makes recommendations for consideration by the Chief Constable / Chief Executive Officer.
- Prepare report for Independent Registered Medical Practitioner
- Ensure the procedure is applied consistently and fairly across NYP

Chief Constable/ Senior Member of the York and North Yorkshire Office for Policing, Fire, Crime and Commissioning

will adhere to this procedure by:

- Will make the final decision in conjunction with the relevant Operations Commander/senior manager/Director of Department where appropriate

UNISON Representative

will adhere to this procedure by:

- Providing appropriate advice and guidance as necessary
- Supporting police staff members at any appeals if requested

Ex - North Yorkshire Police Personnel

will adhere to this procedure by:

- Completing the necessary review forms
- Informing NYP of a change in their employment status
- Providing consent for the release of medical records as necessary
- Attending Medical Reviews as required

Definition of Special Terms

North Yorkshire Police – collectively the Deputy Mayor for Police, Fire and Crime and the Chief Constable in their respective corporate capacities as the employer of staff (or, in the case of the Chief Constable in so far as Police Officers are concerned, deemed or de jure employer.)

North Yorkshire Police Personnel – Collectively, Police Service Personnel and York and North Yorkshire Office for Policing, Fire, Crime and Commissioning Commissioner Staff as defined below.

Police Service Personnel – Police Officers under the direction and control of the Chief Constable and Police Staff in the employment of the Chief Constable.

Police Staff – collectively, Chief Constable's Staff and Deputy Mayor's Staff.

Chief Constable's Staff – All staff in the employment of the Chief Constable.

OPFCC staff – All staff in the employment of the York and North Yorkshire Office for Policing, Fire, Crime and Commissioning.

Line Manager – immediate line manager with responsibility for managing the member of staff.

Second Line Manager – the line manager's line manager.

Normal Pension Age - In the LGPS2014 this is an individual's State Pension Age

FMA – Force Medical Advisor who is employed by an external agency

IRMP – Independent Registered Medical Practitioner who is employed by an external agency. Under Local Government Pension scheme they make the determination on permanent incapacity

Gainful employment - paid employment for not less than 30 hours in each week for a period of not less than 12 months