

Retirement and Pensions – Police Staff

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Policy Statement

Summary

There is no default retirement age and police staff members may access their pension in a number of ways, depending on their circumstances. This policy outlines those retirement procedures, which are:

- Normal retirement;
- Early retirement;
- Flexible retirement;
- Ill health retirement; and
- Redundancy or business efficiency.

The aim of the policy is to explain the different retirement options, the eligibility criteria for each of these options, the application processes and guidance on how to access pensions.

Scope

This policy applies to all police staff, with the exceptions as detailed for NPAS pilots.

The sections of the policy that refer to pensions and associated benefits apply to all police staff who:

- For at least two years have been members of the Local Government Pension Scheme (LGPS) administered by the West Yorkshire Pension Fund (WYPF); or
 - Have transferred in pension rights into the LGPS.
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Principles

General

- Details of individual specific pension benefits can be accessed via the West Yorkshire Pension Fund (WYPF).
- Any staff new to the organisation may transfer previous personal pension rights into the Local Government Pension Scheme (LGPS), so long as the transfer takes place within 12 months of joining West Yorkshire Police.
- If an individual wishes to transfer into the scheme after the 12-month period has expired, they must apply in writing to the LGPS for further guidance and the application form.
- Individuals who are considering retirement or accessing their pension can request an estimate of their pension benefits from the WYP Pensions Section up to three months before their possible date of retirement.
- Projected pension estimates beyond 12 months may be provided. However, the estimate would be subject to change due to pay awards, increments and other salary changes.

- The maximum age at which an individual can continue to be a member of the LGPS is two days before their 75th birthday. From this date, if an individual continues to work, they will automatically be paid their pension and removed from the scheme.
 - Individuals have the right to appeal against the decision in relation to an early, flexible retirement or ill health request, or if dismissed on the grounds of redundancy or business efficiency.
 - Individuals must take any outstanding annual leave before leaving West Yorkshire Police. However, if this is not possible, they will be paid for all untaken annual leave if an individual:
 - Retires in the normal way;
 - Retires early;
 - Retires due to ill health;
 - Is retired in the interests of efficiency of the service; or
 - Is made redundant and is eligible to receive their pension.
 - If an individual leaves but has not taken all their accrued annual leave, this will be paid in the month after they leave. If an individual has exceeded their entitlement for the year, then the hours exceeded will be deducted from their final salary.
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NPAS Pilots

- For NPAS pilots, the Civil Aviation Authority (CAA) Air Navigation Order 2009 stipulates that when pilots reach the age of 60, they can no longer fly commercial air transport, unless this is as a member of a multi pilot crew.
 - NPAS do not have a role which allows pilots to fly as multi crew, therefore when an individual reaches their 60th birthday they will cease to meet the occupational requirements of their role, and the Capability Procedure – Performance policy must be followed.
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Retirement Options

Normal Retirement

Principles

General

- From 1 April 2014, normal retirement age has been linked to the state pension age. There will be no reduction to an individual's pension if they retire at this age.
 - Retirement at state pension age will be processed in line with the retirement checklist.
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Responsibilities

Individuals	<p>Police staff are responsible for:</p> <ul style="list-style-type: none"> • Contacting the Pensions Manager for information on their pension benefits. (Further information can be accessed on the WYPF website); and • Notifying their People Services Team if they wish to proceed after receiving this information.
Line managers	<p>Line managers are responsible for:</p> <ul style="list-style-type: none"> • Ensuring that the exit checklist is completed and a copy provided to People Services.
People Services	<p>Once the retirement confirmation is received, People Services are responsible for:</p> <ul style="list-style-type: none"> • Sending the forms to complete to action an individual's retirement; • Sending an email to line managers detailing their responsibilities; • Notifying Pay Section and Pensions department via the relevant form; • Updating the HR System; • Informing Duties of the retirement; • Requesting that fingerprints and DNA is destroyed and any other special authorities pertaining to the staff member; • Emailing the individual with the Exit Questionnaire; • Inviting the individual to meet with the Chief Constable, if applicable; • Arranging a Certificate of Service/Loyal Service, as applicable; and • Arranging a gift award where 15 years', or more, service is met.

Early Retirement *Without* Employer Consent

Principles

General	<ul style="list-style-type: none"> • An individual may retire without employer consent (between age 55 and state pension age) and access their pension, but benefits may be reduced to fund the cost of early retirement depending on a number of criteria. (Further information can be accessed on the WYPF website.)
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Responsibilities

Individuals	<p>Police staff are responsible for:</p> <ul style="list-style-type: none"> • Contacting the WYPF for information on their pension benefits; and
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- Notifying their People Services Team if they wish to proceed after receiving this information.

Line manager

- Responsibilities as above.
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People Services

- Responsibilities as above.
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Early Retirement *With Employer Consent*

Principles

General

- In certain exceptional circumstances it may be in West Yorkshire Police's best interests to allow individuals to retire early (between age 55 and state pension age) and receive pension benefits without any reduction.
 - The permission of West Yorkshire Police is required.
 - There is a right to appeal against the decision to retire early with employer consent.
 - Subject to agreement by both parties, the 14-day time periods may be reasonably extended.
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Responsibilities

Individuals

Police staff are responsible for:

- Submitting a written request, via their line manager, to a member of their senior leadership team (SLT) at least three months before the date they wish to retire;
 - Providing the reasons in writing why they feel they should be considered for access to their pension without reduced benefits; and
 - Writing to the WYPF if they wish to appeal the decision of the Director of Finance and Commercial Services through the Internal Dispute Resolution Procedure (IDRP).
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**District/
department
senior
leadership team
(SLT)**

The SLT is responsible for:

- Making contact with the Employee Relations team to request detail of the costs;
- Considering the request and completing a business case to support/not support the application liaising with the Finance Business Partner; and
- Forwarding the business case and the application with comments and a recommendation to the Employee Relations Team to progress.

Employee Relations Advisor	<p>Employee Relations Advisors are responsible for:</p> <ul style="list-style-type: none"> • Requesting a pension estimate for the individual and requesting details of the cost to West Yorkshire Police of the early retirement, from the Pensions Manager, Finance and Commercial Services (note this can take up to three months to receive); • Forwarding the business case to the Senior Employee Relations Advisor; • Notifying the individual of the final decision reached; and • Forwarding the decision to the People Services Team to process the retirement.
Senior Employee Relations Advisor	<p>Senior Employee Relations Advisors are responsible for:</p> <ul style="list-style-type: none"> • Providing comment and a recommendation on the business case; and • Submitting the business case to the Head of Payroll and Pensions.
Head of Payroll and Pensions	<p>The Head of Payroll and Pensions is responsible for:</p> <ul style="list-style-type: none"> • Confirming the financial impact on West Yorkshire Police; • Submitting the application to the Director of Finance and Commercial Services; and • Notifying the Employee Relations team of the final decision within 21 days of receipt of the request.
Director of Finance and Commercial Services	<p>The Director of Finance and Commercial Services is responsible, under the Chief Constable's delegated authority, for:</p> <ul style="list-style-type: none"> • Considering the application; • Approving or rejecting the request; and • Notifying the Head of Payroll and Pensions of their decision.
People Services	<p>The People Services Team are responsible for:</p> <ul style="list-style-type: none"> • Processing the retirement in line with the retirement checklist.

Flexible Retirement

Principles

General	<ul style="list-style-type: none"> • From the age of 55, individuals can apply to draw some or their entire pension benefits, while continuing to work for West Yorkshire Police. • Flexible retirement allows individuals to have a phased approach to retirement, have a better work life balance and partially offset the financial impact of moving to:
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- Part time working; or
- A lower paid job,
- by being able to claim their pension.
- An individual must agree to reduce their hours by at least 20% or obtain a lower grade role to be eligible to apply.
- The move to a lower graded role does not extend to individuals on protected grades where the end of the protection is imminent.
- If applying under the lower paid job criteria, a flexible retirement application will not be finalised until there is a confirmed offer of appointment. After three months have expired, a new flexible retirement application must be submitted.
- Flexible retirement is subject to prior approval by West Yorkshire Police and any cost implications will be taken into consideration in the decision-making process. Each relevant SLT will be required to provide an in-depth, detailed business case and, where there is a cost involved, it will be forwarded to the Financial and Commercial Service Director for careful consideration as to whether the cost can be justified.
- As outlined in the LGPS flexible retirement discretionary statement, each case must be reviewed on its own merit with consideration given to the operating requirements of the department, the cost of any application, any demonstrable cost saving in excess of potential savings under any other severance arrangement and the member's personal circumstances.
- The Force aims to respond to all applications with a decision no more than 28 days from receipt of the cost estimate from the West Yorkshire Pension Fund. In exceptional cases it may not be possible to respond in this timeframe. In such instances the applicant must be informed and kept up to date with any progress. The application must be progressed as soon as reasonably possible.
- Retrospective applications will not be considered.
- If an individual's current salary is protected at a higher grade than the post they are in and they wish to apply for flexible retirement by reducing their hours, then all protection of earnings will cease immediately and they will receive a salary at the actual grade of that post. (They will be paid the spinal column point that equates to the time that they have spent in that role.)
- If an individual chooses to withdraw their application at any time, they must notify their Employee Relations Team in writing.
- Subject to agreement by both parties, the 14-day time period to appeal may be reasonably extended.
- Any appeals decision is final.
- On taking flexible retirement, if an individual does not want to continue making pension contributions, they must formally opt out of the Local Government Pension Scheme within three months of their flexible retirement date.
- Further information is available from WYPF and flexible retirement discretionary statement.

Responsibilities

Individual

Police staff are responsible for:

- Completing the relevant section of the Flexible Retirement (Per 18) form indicating which criteria they are making the application under and outlining the reasons for their request;
- Submitting the application form to their line manager at least three months before they wish to take flexible retirement;
- Appealing in writing to their Employee Relations Team where an application has not been supported; and
- Submitting any appeal within 14 days of receiving notification of refusal of their application and setting out their grounds for appeal of:
 - The process has not been followed properly;
 - The business reason(s) for rejecting the request have not been sufficiently explained; or
 - A fact in the explanation or the business reason(s) is incorrect.

Line manager

Line managers are responsible for:

- Discussing with the applicant any issues or concerns they may have in relation to a proposed working pattern;
- Providing a detailed rationale if they feel a specific pattern being requested cannot be accommodated within the department. Consider the principles of the Flexible Working policy for this aspect;
- Forwarding a copy of the working pattern to the People Systems Support Manager to ensure it is of good roster design and compliant with any legislative requirements and Force principles; and
- Once the proposed rota pattern is approved, updating the Per18 form and forwarding to the relevant Employee Relations Advisor.

People Systems Support Manager

The People Systems Support Manager is responsible for:

- Checking the proposed rota pattern provided by the line manager and confirming whether it is of good roster design.

Employee Relations Advisor

Employee Relations Advisors are responsible for:

- Obtaining a pension estimate for the individual and requesting details of the cost to West Yorkshire Police of the flexible retirement, from the Pensions Manager (note this can take up to 28 days to receive);
- Forwarding the flexible retirement (Per18) form to the relevant district/department SLT member, disclosing any associated costs;
- Writing to the individual advising them of the outcome of their application and, if not supported, providing the rationale and the right of appeal; and

- Notifying People Services of the outcome of the application and forwarding the completed application for processing.

**District/
department SLT
member**

- An appropriate member of the district/department SLT is responsible for:
- Completing the relevant section of the Flexible Retirement (Per 18) form, stating whether they support the application or not;
 - Providing an in-depth, detailed rationale/business case for their decision, even for nil cost applications, which must include details on:
 - The individual's specific request and reasons as to how and why the request could/could not be supported by the district/department SLT;
 - The wider requirements of the organisation, including any positive/negative impacts of supporting the request; and
 - The impact on other members of the team, where applicable; and
 - Returning the application to the Employee Relations Advisor.

**Head of Payroll
and Pensions**

- The Head of Payroll and Pensions is responsible for:
- Completing the relevant section of the Flexible Retirement (Per 18) form;
 - Signing off the final approval section for any nil cost applications; and
 - Returning the form to the relevant Employee Relations Advisor once signed, within 10 days of receiving the form.

**Finance and
Commercial
Services
Director**

- The Finance and Commercial Services Director is responsible for:
- Completing the relevant section of the Flexible Retirement (Per 18) form;
 - Signing off the final approval for those applications with cost implications; and
 - Returning the form to the relevant Employee Relations Advisor once signed, within 10 days of receiving the form.

**People Services
team**

- People Services teams are responsible for:
- Where an application is approved:
 - Notifying payroll of the change of hours/grade, including the effective date of the change;
 - Making the individual aware that they can choose to continue in the Pension Scheme or withdraw from the scheme completely from the date of their flexible retirement;
 - Signposting the individual to the Pensions Manager for further information;
 - Issuing a variation letter to confirm the relevant changes;
 - Updating the HR System; and
 - Placing the completed application on the employee's personal file; or
 - Where an application is not supported:
 - Placing the completed application on the employee's personal file.

**Independent
People SLT
member**

An independent member of the People SLT is responsible for:

- Arranging a meeting with the individual to discuss their appeal within 14 days of receiving an appeal notification; and
- Notifying the individual of the decision in writing within 14 days of the appeals meeting.

Ill Health Retirement

Principles

General

- If an individual is deemed permanently incapable of discharging efficiently the duties of their employment, or any other comparable employment with West Yorkshire Police, because of ill health or infirmity of mind or body (in line with WYPF Ill Health Certificate) then West Yorkshire Police has an option to retire them with pension benefits payable immediately.
- West Yorkshire Police will make a decision on whether ill health retirement is appropriate after seeking the opinion of an independent registered medical practitioner, via Occupational Health (OH), and be satisfied that the individual meets one of the ill health pension benefit tiers.
- In all cases where the Force Medical Advisor (FMA) determines that a police staff member may be permanently medically unfit to undertake the duties of their appointed role, a referral will be made to the Independent Registered Medical Practitioner (IRMP) for consideration of permanent medical incapacity.
- The opinion of the IRMP does not automatically entitle an individual to ill health pension benefits. The final decision sits with the employer.
- Should the FMA not recommend a referral to the IRMP, the case will continue to be managed in accordance with the relevant Force policies and procedures.
- Individuals must have at least two years' total membership of the Pension Scheme to be eligible to receive an ill health pension.
- The Force aims to respond to all applications with a decision no more than 28 days from receipt of the individual's comments following the IRMP report. In exceptional cases it may not be possible to respond in this timeframe. In such instances the applicant must be informed and kept up to date with any progress. The application must be progressed as soon as reasonably possible.
- Individuals have the right to appeal against certain decisions made by the People Director. More detail is provided in the Appeals section.
- If an individual works part time, any additional membership awarded as a result of ill health retirement will be reduced to reflect the number of part time hours an individual works at the point of leaving West Yorkshire

Police, disregarding any reduction in hours which are directly related to the ill health condition that resulted in their retirement.

- Individuals in receipt of a pension who do not inform the Medical Appeals and Reviews Officer of a change in their employment status will have any overpayment of pension recovered, if it is determined that they have undertaken gainful employment.
- Further information regarding the ill health pension benefit tiers and the criteria an individual must meet to be awarded an ill health pension are detailed in the supporting information.
- The principles and support outlined in the Attendance Management policy and Disability policy must be considered and adhered to where required.

Terminal illness support

- For cases which are time critical, for instance where life expectancy is limited, the Force will endeavour to fast-track medical retirement applications.
- This may, in very urgent cases, involve a FMA (WYPF registered) acting as the IRMP. Where the FMA cannot be utilised in this capacity, a referral may be made to an independent IRMP with a request to expedite the process. In most cases it will be reasonable to follow the usual process and refer to an external IRMP.
- West Yorkshire Police has signed the TUC's recognised Dying to Work Charter. This acknowledges that individuals who receive a terminal diagnosis require support and understanding. See guidance.

Responsibilities

Individuals

Police staff are responsible for:

- Notifying the Medical Appeals and Reviews Officer if they find any employment after they have been medically retired, providing details of their pay and working hours and the nature of the employment; and
- Providing their comments for the IRM2 form for consideration by the People Director within five working days of receipt. If comments are not provided within this timescale the process will progress in the absence of these.

Line managers

Line managers are responsible for:

- In conjunction with the Employee Relations Advisor, arranging a referral to Occupational Health (OH) to obtain medical information in cases where ill health retirement is a consideration.

Occupational Health (OH)

Occupational Health (OH) is responsible for:

- Providing recommendations on whether the opinion of an IRMP should be sought. Such recommendation must be made by the Force Medical Advisor (FMA); and
- Where a referral is recommended, providing any further details to the initial report and seeking the opinion of an IRMP for consideration by the People Director.

Employee Relations Advisor

Employee Relations Advisors are responsible for:

- When OH have recommended an IRMP referral, compiling an initial report for review by the Assistant Head of Employee Relations before submission to OH for referral to the IRMP;
- Keeping the individual and their manager updated on the process and providing ongoing support;
- On receipt of the IRMP's report, completing the IRMP2 form and ensuring the individual has opportunity to provide their comments;
- Progressing the report to the Assistant Head of Employee Relations prior to submission to the People Director for a decision regarding ill health retirement;
- If the individual has not already specified, confirming how they wish to be notified of the People Director's decision; and
- Advising the individual that they will continue to be managed in accordance with either the Medical Capability policy or the Attendance Management policy if the decision is to retain their services.

Assistant Head of Employee Relations

The Assistant Head of Employee Relations is responsible for:

- Reviewing and completing a quality check of the initial report provided by the Employee Relations Advisor;
- Ensuring that the correct procedures have been followed before case progression;
- Providing their comments regarding the case before progression to Occupational Health to arrange the IRMP appointment; and
- Providing their comments regarding the case before final progression to People Director once the IRMP report is received.

People Director

The People Director is responsible for:

- Making a decision on the permanency of an individual's illness and which benefit tier criteria is satisfied, considering the opinion detailed in the IRMP's report and in line with the Local Government Pension Scheme Regulations;
 - Confirming their decision in writing within 14 days of receiving the IRMP's report; and
 - Notifying the Employee Relations Advisor of the outcome of their decision.
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Medical Appeals Officer	<p>The Medical Appeals Officer is responsible for:</p> <ul style="list-style-type: none"> • Undertaking Tier 3 pension reviews in accordance with the Local Government Pension Regulations where payments have continued for 18 months, including writing to individuals for details of employment; • Obtaining a further certificate from an IRMP when a Tier 3 pension has continued for 18 months, and informing the pension fund of the review outcome; • Reviewing any information submitted by an individual who has been medically retired regarding new employment; • Terminating payments where an individual is assessed as being capable of undertaking gainful employment; • Managing any applications for early access to deferred pension benefits on the grounds of ill health or infirmity of mind or body; and • Managing any reconsideration process where a complaint has been lodged via the Internal Dispute Resolution Procedure (IDRP) and the nominated person has recommended the Force reconsiders a previous decision.
People Services Team	<p>People Services team are responsible for:</p> <ul style="list-style-type: none"> • Processing the retirement in line with the retirement checklist where the decision is made to medically retire the individual.

Appeals Process

Introduction	<p>An individual can appeal:</p> <ul style="list-style-type: none"> • Against the decision to terminate their employment; or • Against the decision not to award ill health retirement or against the level of the pension tier awarded by the People Director.
Decision to terminate	<p>To appeal against the decision to terminate their employment:</p> <ul style="list-style-type: none"> • Individuals must write, via their Senior Employee Relations Advisor, to the People SLT within 14 days of receipt of the letter confirming West Yorkshire Police's decision, outlining their reasons for appeal. • A member of the People SLT will arrange for an appropriate person at Chief Officer Team level to hear the appeal. • An appeal hearing will normally be held within two months of receipt of the appeal. The individual will be notified in writing of the date and time of the appeal hearing. • Following the hearing, the individual will receive written notification of the decision reached within 14 days. • If an appeal against a decision to terminate employment is successful, individuals will be required to repay any payment pension received, including any lump sum.

Decision not to award ill health retirement or level of pension

- If an individual disagrees with a decision to either not award them an ill health retirement, or regarding the ill health benefit tier they have been awarded, they can submit an appeal via the Internal Dispute Resolution Procedure (IDRP). There are certain criteria which the adjudicator must adhere to when making their decision, therefore an individual must be mindful of this when utilising the IDRP.
 - For an appeal to be successful, the individual must:
 - Where an ill health retirement has not been awarded, have been dismissed due to ill health.
 - Demonstrate that a suitable and correct process had not been followed, or there is new medical evidence to take into account that was not considered by the IRMP.
 - This must be done in writing within six months of receipt of the letter confirming West Yorkshire Police's decision (although individuals are encouraged to do so earlier wherever possible).
 - The individual must submit their IDRP to WYPF, outlining the reasons for their appeal. WYPF will then forward to Head of Payroll and Pensions (copies of the IDRP booklet can be obtained from WYPF).
 - An IDRP cannot be lodged against the medical certificate itself, as this is a doctor's opinion, but only against West Yorkshire Police's decision.
 - The IDRP is a two-stage process and, once the individual has exhausted the first stage, if they remain dissatisfied with the response, or receive no response in the specified timescale, they can appeal to the administering authority under the second stage of this process.
 - Following the IRMP report, if the People Director has decided to retain the individual and, bearing in mind the criteria outlined above, they proceed with submitting an IDRP application, they will continue to be managed in accordance with the relevant policies and procedures. The IDRP process will not pause any required action being taken.
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Redundancy or Business Efficiency

Principles

- If an individual is dismissed due to redundancy or business efficiency and they are aged 55 or over, they will be entitled to receive an immediate pension with possibly no reduction in pension benefits, subject to the £95k redundancy cap (see Organisational Change policy) and will follow the formal retirement process.
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Additional Information

Compliance

This policy complies with the following legislation:

- Data Protection Act 2018

Supporting Information

The supporting information for this policy can be accessed online.

Further Information

Further guidance in relation to this policy can be sought from:

- Employee Relations Team
- Pensions Manager
- West Yorkshire Pension Fund
