

TRUST-WIDE NON-CLINICAL POLICY DOCUMENT

RETIREMENT GUIDANCE

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Recommending Committee:	HR Policy Group
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Lead Author(s):	Strategic Human HR Business Partner and HR Advisor

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2018– Version 1

*Striving for perfect care for
the people we serve*

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Further information about this document:

Document name	RETIREMENT GUIDANCE HR-G4
Document summary	This document has been produced to provide information and support for colleagues who are considering retirement, accessing their pensions or retiring and returning to work. The policy sets out the process to be followed when considering applying for retirement.
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Published by Copies of this document are available from the Author(s) and via the trust's website	Mersey Care NHS Foundation Trust V7 Building Kings Business Park Prescot Merseyside L34 1PJ Trust's Website www.merseycare.nhs.uk
To be read in conjunction with	These guidelines should be read in conjunction with the NHS Pension Scheme Guide which is available at www.nhsbsa.nhs.uk along with any associated documentation in relation to pensions and HMRC guidance
This document can be made available in a range of alternative formats including various languages, large print and braille etc	
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Version Control:

		Version History:
Version 1	HR Policy Group	September 2018

SUPPORTING STATEMENTS

This document should be read in conjunction with the following statements:

SAFEGUARDING IS EVERYBODY'S BUSINESS

All Mersey Care NHS Foundation Trust colleagues have a statutory duty to safeguard and promote the welfare of children and adults, including:

- being alert to the possibility of child / adult abuse and neglect through their observation of abuse, or by professional judgement made as a result of information gathered about the child / adult;
- knowing how to deal with a disclosure or allegation of child / adult abuse;
- undertaking training as appropriate for their role and keeping themselves updated;
- being aware of and following the local policies and procedures they need to follow if they have a child / adult concern;
- ensuring appropriate advice and support is accessed either from managers, *Safeguarding Ambassadors* or the trust's safeguarding team;
- participating in multi-agency working to safeguard the child or adult (if appropriate to your role);
- ensuring contemporaneous records are kept at all times and record keeping is in strict adherence to Mersey Care NHS Foundation Trust policy and procedures and professional guidelines. Roles, responsibilities and accountabilities, will differ depending on the post you hold within the organisation;
- ensuring that all staff and their managers discuss and record any safeguarding issues that arise at each supervision session

EQUALITY AND HUMAN RIGHTS

Mersey Care NHS Foundation Trust recognises that some sections of society experience prejudice and discrimination. The Equality Act 2010 specifically recognises the *protected characteristics* of age, disability, gender, race, religion or belief, sexual orientation and transgender. The Equality Act also requires regard to socio-economic factors including pregnancy /maternity and marriage/civil partnership.

The trust is committed to equality of opportunity and anti-discriminatory practice both in the provision of services and in our role as a major employer. The trust believes that all people have the right to be treated with dignity and respect and is committed to the elimination of unfair and unlawful discriminatory practices.

Mersey Care NHS Foundation Trust also is aware of its legal duties under the Human Rights Act 1998. Section 6 of the Human Rights Act requires all public authorities to uphold and promote Human Rights in everything they do. It is unlawful for a public authority to perform any act which contravenes the Human Rights Act.

Mersey Care NHS Foundation Trust is committed to carrying out its functions and service delivery in line the with a Human Rights based approach and the FRED A principles of **F**airness, **R**espect, **E**quality **D**ignity, and **A**utonomy

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APPENDICES

- 1. RETIREMENT PRO-FORMA

1. PURPOSE AND RATIONALE

- 1.1 This document has been developed to provide guidance to all colleagues of the trust and sets out the potential options for colleagues who are looking to retire, access their pension or retire and return to work. The policy also signposts colleagues to additional sources of information regarding NHS pensions.
- 1.2 The policy aims to provide a uniform and equitable approach to the management of retirement and flexible retirement.
- 1.3 Mersey Care NHS Foundation Trust recognises that its success depends on its ability to attract, recruit and retain suitably skilled, qualified and experienced staff whatever their age particularly as the demand for healthcare grows; The Trust also recognises the importance of supporting colleagues to achieve a work life balance during their employment and in planning their transition into retirement.
- 1.4 In line with the Equality Act 2010 the Trust has removed any default retirement age and has no requirement for colleagues to retire at a particular age. This will ensure that all colleagues are treated in the same way irrespective of their age.

2. OUTCOME FOCUSED AIMS AND OBJECTIVES

- 2.1 This document aims to provide clear:-
 - Guidance to colleagues who are considering retirement in the near future and outlines the potential options available to them
 - Guidance to managers regarding what steps they need to take in managing career conversations and the process they need to follow when a colleague advises them of their intention to retire.

3. SCOPE

- 3.1 This document applies to all substantive colleagues within the Trust and aims to provide sufficient flexibility in terms of options for retirement to accommodate both the needs of the service and our colleagues. The policy provides information for colleagues who are members of the NHS Pension Scheme and the options available to them as well as describing the options available for colleagues who are not members of the NHS Pension Scheme. Whilst this policy provides specific information on the NHS Pension Scheme, there may be some colleagues who have a pension scheme via NEST. NEST is an alternative qualifying pension scheme for those colleagues who are not eligible to join the NHS pension scheme. Information regarding NEST pensions can be found at www.nestpensions.org.uk.
- 3.2 All staff can access their personal employment package which includes an overview of the value of their NHS Pension benefits through accessing their Total Reward Statement.(TRS).

4. DEFINITIONS (Glossary of Terms)

4.1

Glossary of Terms	Definition
NPA	Normal Pension Age(for NHS Pension Scheme Members)
SPA	State Pension Age
TRS	Total Reward Statement
AW8	Retirement Benefits Claim Form
WTE	Whole Time Equivalent

5. DUTIES

- 5.1 The Executive Director of Workforce is responsible for ensuring that there is a robust system in place which allows colleagues to understand retirement options.
- 5.2 Managers are responsible for ensuring that they have career conversations with colleagues and to discuss retirement options with them in a timely manner. This includes dealing with requests for flexible retirement.
- 5.3 Human Resources are responsible for ensuring that the Retirement Policy is kept up to date in line with any legislation; Pensions Agency and NHS guidance. Human Resources are also responsible for providing advice on the Retirement Policy as and when required.
- 5.4 Colleagues have a responsibility to follow the process outlined in this policy and to ensure they have made the necessary enquiries regarding retirement.

6. RETIREMENT PROCESS

Colleagues have a number of options to consider in relation to retirement which are outlined below. To progress a retirement application, colleagues should complete the pro-forma which can be found in Appendix 1 of this policy.

6.1 RETIREMENT - AGE

- 6.1.1 Colleagues who wish to retire should inform their line manager at least four months prior to their anticipated retirement date.
- 6.1.2 The manager will need to meet with the colleague to agree their last working day and actual leaving date, taking into account any accrued annual leave. Annual leave will be calculated pro-rata to the colleagues leaving date. As annual leave is pensionable it should be taken prior to the actual leaving date as any untaken leave will extend the last day of pensionable service beyond your last day of work. Pension benefits are paid from the last day of pensionable service therefore it is better that you take all leave prior to your last working day.
- 6.1.3 The line manager will complete a leaver's form (via Sharepoint, Workforce section). The reason for leaving to be used is "Retirement – Age".

- 6.1.4 Colleagues will need to request the AW8 form from the Pension Section in Payroll Services providing the date of retirement and the reason for leaving. If a colleague requires an AW8 form to be printed off they can request this via their line manager or a HR representative. The AW8 will be partially completed by the Pension Section.
- 6.1.5 The colleague should complete the relevant sections of the AW8 and contact the Divisional Human Resources team to arrange a meeting to complete the relevant sections of the form.
- 6.1.6 The following documentation is required to process the application:
- Original birth certificate or current passport of the colleague and also his/her spouse or civil partner.
 - Original Marriage Certificate or Civil Partnership Certificate
 - Original Birth certificate of any dependent children
 - Certified copy of a death certificate of spouse / civil partner if applicable.
 - Decree absolute or certified civil partnership dissolution order if applicable.

At the meeting the Human Resources representative will check the AW8 and copy the relevant documentation, which they will certify as having seen the originals.

The hard copy of the documentation can then be sent by either the colleague or HR representative to the pension's team at payroll based at St Helen's & Knowsley Teaching NHS Trust to be processed.

HR will retain a copy of the documents to put on the colleagues file.

6.2 FLEXIBLE RETIREMENT OPTIONS (For members of the NHS Pension Scheme)

- 6.2.1 There are a number of options available for colleagues which provide flexibility as retirement approaches. The table below outlines these options which are dependent on which section of the pension scheme a colleague is a member of:

	1995 Section	2008 Section	2015 Scheme
Step Down	√	√	√
Wind Down	√	√	√
Retire and Return*	√	√	√
Draw Down	x	√	√
Late Retirement Enhancement	x	√	√
Early Retirement Reduction Buy Out	x	x	√

**Members of the 1995 section will not be eligible to rejoin the NHS Pension Scheme on their return to employment*

- 6.2.2 From April 2015 a colleague may have membership in more than one section of the scheme and will need to ensure that if they wish to take up flexible retirement, the option chosen is applicable to all pensionable membership.

6.3 STEP DOWN

- 6.3.1 The option to step down may support a colleague to remain in work in the run up to their NPA as working at a lower level may feel more achievable and may be more financially advantageous rather than retiring from the organisation completely.
- 6.3.2 The colleague could look at the potential of 'stepping down' to a different role to reduce their level of responsibility whilst remaining in employment. 6.3.3 Members of the 1995 section of the pension scheme, who have reached the minimum pension age and choose to step down to a role where their new or remaining duties are less demanding and carry less responsibility than their previous duties, and their pay reduces by at least 10% can apply for the higher rate of pay to be protected (Voluntary Protection of Pay).

Key points to note re Voluntary Protection of Pay for 1995 Section Membership only

- The application to step down must be made after 12 months but within 15 months of the pensionable pay reducing
- Colleagues must have had at least 2 years qualifying membership in the scheme
- The application must be agreed and approved by the trust.
- Colleagues must be a member of 1995 section or have a final salary link to the 1995 section pension benefits
- Pensionable pay would have been reduced by at least 10% for a period of at least 1 year
- Pensionable pay has not been subject to any other reductions in the 12 month period before stepping down
- Colleagues have not previously protected their pensionable pay under the Voluntary Protection of Pay arrangements

Colleagues should complete the Request to Protect Pensionable Pay form (available on the Pensions website) before sending to the Trust who will provide any additionally required information before the application can be processed.

6.4 WIND DOWN

- 6.4.1 A colleague could consider the potential to 'wind down' to retirement by remaining in their current post but reducing the number of days or hours that they work. Pensions for part time staff are calculated on the whole time equivalent (WTE) salary and not the actual salary. Therefore, the only impact this may have is on the length of membership, as it will take longer to build up future membership if a colleague is working less than full time hours.

For example, if a colleague winds down to work half time hours it will take two years to build up one year of pension benefits but the final salary used to calculate benefits will not be affected so long as the salary band or level remains the same.

This option could support the colleague to remain in work for a longer period of time before retirement and could be used in conjunction with a flexible working request.

6.5 RETIRE AND RETURN

6.5.1 Returning to work for the NHS after taking NHS Pension Scheme benefits is an option available to Pension Scheme members. Once a colleague has reached the minimum pension age they could apply to retire, claim their pension and then return to NHS employment.

The aims of "retire and return" are to:-

- enable the Trust to retain the valuable skills, knowledge and experience necessary to deliver safe patient care;
- help support the health and wellbeing of older staff as they approach retirement and wish to continue working;
- potentially realise financial savings through reduced recruitment costs, agency spend and employer pension contributions

6.5.2 Colleagues should discuss with their line manager the option to continue working for the Trust having taken their NHS pension benefits and this should be done at the earliest opportunity.

6.5.3 Each request and application to retire and return to work should be considered on its own merits and the rationale for approving or declining a request should be discussed with the colleague and formally documented by the line manager on the form in Appendix 1.

6.5.4 There is no guarantee that applications from staff to "retire and return" will be granted. Managers need to consider whether fixed term or permanent return would be applicable depending on the post and the service need.

6.5.5 Whilst colleagues may wish to retire and return to the team/department they retired from this may not always be possible and other options may be made available to them e.g. relocating to a different team or a different base.

6.5.6 Review of Retire and Return requests

6.5.6.1 Once a request is made to retire and return, the Trust should be able to demonstrate there is a business requirement for the post to be filled through "retire and return" and the following should be considered by managers when reviewing requests :-

- is this post required permanently? If so permanent return should be offered.
- Is this post required on a fixed term basis e.g. short term funding, potential organisational change or potential cost improvement pressure? If so then a fixed term contract should be offered and reviewed in a timely manner before it is due to expire.
- equality requirements;
- value for money;
- the colleague's competence (skills, knowledge and experience) against the essential requirements of the post;
- whether the hours proposed can be accommodated / meet service needs;
- succession planning and the potential impact the colleague's return will have on their team;
- whether it is in the best interests of the service to accommodate the "retire and return" request;
- longer term workforce / service plans for the post and team and how the "retire and return" request fits with this.

6.5.7 **Agreement to Retire and Return**

If it is agreed by the Trust that a colleague can retire and return, the colleague must have a break in service before returning to work of at least 2 weeks.

The colleague's continuous service date for the purpose of sick pay and annual leave will not change. However, the colleague's continuous service date for the purposes of Employment Rights Act (1996) will be the new NHS start date (this will be the date the member of staff returned to work after retirement).

For colleagues who have reached their NPA and who wish to retire and return, there is no restriction on the number of hours they can work (up to full time).

However, colleague who have special class status (members of the 1995 section and taking retirement between 55 and 60 years) may not earn more with their pension and returning salary than they were earning before retirement or they will have their benefits abated.

NOTE: after retiring from the 1995 section of the scheme you can return to work within the NHS; however certain restrictions apply.

- You must work no more than 16 hours per week in the first calendar month after retirement.

However, the two week break can be included as part of this period.

6.6 **DRAW DOWN or PARTIAL RETIREMENT (For 2008 and 2015 sections only)**

Draw down allows a colleague to partially retire and take some of their benefits. Staff members are not required to take a break in employment. However, the following applies : -

- Colleagues must be age 55 or older
- Pay must be reduced by a minimum of 10% (for example by working part-time) and can be subject to the Trust's approval, take between 20%- 80% of their pension entitlement and continue in employment and build up future membership
- Benefits would be reduced if they are paid before their 65th birthday
- Benefits would be reduced for at least one year otherwise they will cease to be eligible for the pension they have taken
- Benefits can be drawn down twice before retiring completely

6.7 **LATE RETIREMENT ENHANCEMENT(For 2008 and 2015 sections only)**

If a colleague continues working past their NPA may continue to earn benefits as long as they remain in the scheme. Further guidance can be found on the NHSBA website.

6.8 **EARLY RETIREMENT REDUCTION BUY OUT(ERRBO) (For 2015 section only)**

- 6.8.1 Colleagues who are members of the 2015 Scheme have the facility to buy out the reduction that would apply if retirement benefits were claimed before Normal Pension Age (NPA). Normal Pension Age in the 2015 Scheme is the same as the member's State Pension Age (SPA), or

age 65 if that is later, and may rise during membership of the Scheme if State Pension Age rises.

- 6.8.2 The Trust can, if they agree, pay all or part of the required additional contributions on your behalf.
- 6.8.3 The agreement can be for early retirement one, two or three years before the colleague's Normal Pension Age but no earlier than age 65.
- 6.8.4 An application for an ERRBO agreement must be made within three months of joining the 2015 Scheme for it to be effective from the colleague's first Scheme year. Similarly, an application must be made within three months of the beginning of any subsequent Scheme year for it to be effective from that Scheme year. Application forms must be received within three months of either joining the 2015 Scheme or the beginning of the Scheme year, whichever is earlier. Once an agreement is in place it will automatically roll forward to subsequent Scheme years until ended.
- 6.8.5 Retrospective applications for earlier Scheme years cannot be made.

6.9 **VOLUNTARY EARLY RETIREMENT (VER)**

Staff who are members of the NHS Pension scheme may opt to take VER at any time from the minimum pensionable age applicable to the section/scheme they are members of, or have been a member of, provided they have at least two years membership.

6.10 **OPTIONS FOR COLLEAGUES WHO ARE NOT IN THE NHS PENSION SCHEME**

Colleagues who are not members of any section of the NHS Pension Scheme who wish to continue working and also want to have a more flexible work life balance prior to retirement can request to step down into a post with less responsibility or wind down by reducing their hours. A request to step down can be made by completing the attached form and for flexible working by completing the form in the Flexible Working Policy. There is no requirement for a break in service for colleagues who are not members of the NHS pension scheme.

6.11 **ILL HEALTH RETIREMENT**

- 6.11.1 Where a colleague has an application for ill health retirement approved, payroll based at St Helens & Knowsley Teaching NHS Trust will automatically send the Retirement Benefits Claim form to the colleague.
- 6.11.2 If the colleague is still employed by the trust, the line manager and HR Advisor will meet with the colleague to agree a leaving date and to verify relevant documentation and to complete relevant sections of the form.
- 6.11.3 If the member of staff has already left the Trust on health grounds, they can request a meeting with the HR representative to complete the form and verify the documentation, if they have left in the last 12 months.
- 6.11.4 Alternatively, the staff member can liaise with St Helens & Knowsley Teaching NHS Trust directly.

6.12 PRE-RETIREMENT SEMINARS

The Trust offers a Pre-Retirement Seminar for those colleagues who are approaching retirement in the next 12 to 24 months, and who would benefit from an opportunity to consider the implications that this will have on their lives. The seminar provides information regarding:

- NHS Pension Scheme
- Flexible Retirement Options
- State Pension Scheme
- Tax
- Savings, Investment and Risk
- Wills
- Inheritance Tax Planning
- Long Term Care
- Where to go for Advice

Details of when courses are available on the Learning and Development Prospectus on Your Space.

6.13 RECOGNITION OF RETIREMENT

The Trust wishes to recognise the occasion when a colleague through the receipt of a gift on behalf of the Trust. This receipt of this gift will be arranged through the HR Team.

6.14 NHS PENSION SCHEME INFORMATION

For further guidance on NHS pensions, staff can contact the NHS Pensions Agency on 0300 330 1346 or visit the website at: www.nhsbsa.nhs.uk/pensions.

6.15 NHS RETIREMENT FELLOWSHIP

As an NHS employee you are able to become a member of the NHS Retirement Fellowship. The Fellowship is a registered charity and has in the region of 10,000 members across the UK. Branch or postal membership provides an opportunity for NHS and social care staff and their partners to meet and spend time with other like-minded people, to enjoy existing friendships, make new friends and enjoy themselves together. As well as friendship the Fellowship has other benefits including a range of discounts, interest groups and holidays. Further information can be found on the Fellowship's website www.nhsrf.org.uk or by contacting Barbara Smart, North West Regional representative on b_smart55@yahoo.co.uk

7. CONSULTATION

The procedure has been developed by the HR Policy Group, which consists of representatives from:

- Senior Managers
- Recognised Staff Side Organisations Human Resources Staff

7. TRAINING AND SUPPORT

- 7.1 No formal training is required for the application of this policy. However awareness raising sessions of how to conduct a career conversation and the options available for retirement will be made available to managers. Human Resources can be contacted for advice and guidance on the processes.

8. MONITORING

- 8.1 The divisional HR teams will monitor flexible retirement and the application of this policy in line with their Workforce plan; the People plan and staff turnover. The divisional HR Teams will be notified of any non-compliance with the policy which is to be escalated to the Head of HR if need be.

9. EQUALITY AND HUMAN RIGHTS ANALYSIS

Title: Retirement Policy
Area covered: Trust Wide Non-Clinical Policy

<p>What are the intended outcomes of this work?</p> <p>This policy provides guidance to all colleagues of the trust and sets out the potential options for colleagues who are looking to retire, access their pension or retire and return to work. The policy also signposts colleagues to additional sources of information regarding NHS pensions.</p> <p>The policy also supports the retention suitably skilled, qualified and experienced staff whatever their age particularly as the demand for healthcare grows; The Trust also recognises the importance of supporting colleagues to achieve a work life balance during their employment and in planning their transition into retirement.</p>
<p>Who will be affected?</p> <p>Colleagues</p>

Evidence
<p>What evidence have you considered?</p> <p>The policy</p>
<p>Disability (including learning disability)</p> <p>No issues identified within discussions.</p>
<p>Sex</p> <p>No issues identified within discussions.</p>
<p>Race</p> <p>Need to ensure that race is not a disadvantaged group (monitoring to be made)</p>
<p>Age</p> <p>Need to ensure that age is not a disadvantaged group (monitoring to be made)</p>
<p>Gender reassignment (including transgender)</p> <p>No issues identified within discussions.</p>
<p>Sexual orientation</p> <p>No issues identified within discussions.</p>
<p>Religion or belief</p> <p>No issues identified within discussions.</p>
Pregnancy and maternity

No issues identified within discussions.
Carers No issues identified within discussions.
Other identified groups No issues identified within discussions.
Cross Cutting No issues identified within discussions.

Human Rights	Is there an impact? How this right could be protected?
Right to life (Article 2)	Not applicable
Right of freedom from inhuman and degrading treatment (Article 3)	Not applicable
Right to liberty (Article 5)	Not applicable
Right to a fair trial (Article 6)	There is a requirement to receive a rationale and formal notification regarding decisions relating to certain requests in the policy
Right to private and family life (Article 8)	
Right of freedom of religion or belief (Article 9)	
Right to freedom of expression Note: this does not include insulting language such as racism (Article 10)	
Right freedom from discrimination (Article 14)	

Engagement and Involvement <i>detail any engagement and involvement that was completed inputting this together.</i>
1. HR Policy Group 2. Senior Managers

3 Staff Side Representatives

Summary of Analysis *This highlights specific areas which indicate whether the whole of the document supports the trust to meet general duties of the Equality Act 2010*

Eliminate discrimination, harassment and victimisation

Advance equality of opportunity
Not applicable

Promote good relations between groups
Promoting further engagement of colleagues

What is the overall impact?
Any negative impact on the equality groups should be low

Addressing the impact on equalities
HR will review workforce data in workforce meetings

Action planning for improvement
See below

For the record
Name of persons who carried out this assessment:
 Julie Flannigan, Strategic Human Resources Business Partner
 Amanda Clough, Acting Head of Human Resources
Date assessment completed:
 October 2018
Name of responsible Director:
 Amanda Oates, Executive Director of Workforce
Date assessment was signed:
 October 2018

Action plan template

This part of the template is to help you develop your action plan. You might want to change the categories in the first column to reflect the actions needed for your policy.

Category	Actions	Target date	Person responsible and their area of responsibility
Data Collection and evidencing	Data to be collected and reviewed in line with Trust People Plan		
Public transparency	Policy to be placed on the Trust website along with this assessment.		

APPENDIX 1

RETIREMENT PRO-FORMA	
This form should be completed and submitted to your line manager.	
Full Name (please print)	
Department	
Job title and Band	
Contracted Working Hours	
I wish to apply for:	Full retirement/Wind Down/Step Down/Draw Down/Retire and Return (delete as appropriate)
Effective from:	State date:
1. Full retirement	Please confirm the date you wish to end your employment:
2. Wind Down Option	Please specify the number of days and hours you would like to work in your current post: Days: Hours:
3. Step Down Option	Please specify the less demanding and lower banded post you would like to work: Post: Band: Hours:
4. Draw Down Option	How much of your pension entitlement would you like take (between 20 – 80%)? ___%
5. Retire and Return Option (NB Staff need to be aware that they need to have a break of 2 weeks)	What post would you like to return to? Post; Band: Hours: Days: Date current post will finish: Date new post will commence:
Colleague Signature	
Date	

To be completed by line manager for options 1, 2 & 4 above with particular emphasis on 'Retire and Return' option
NOTE TO MANAGER: You are required to complete this form within 14 days of receipt

I support the application	Yes/No
If the application is supported please complete the following sections	
What consideration has been given to meeting CIP targets?	
How can you demonstrate that equality requirements have been considered?	
How can you demonstrate value for money?	
What is the standard of the colleague's work and attendance?	Work? Attendance?
What is the colleague's competence (skills, knowledge and experience) against the essential requirements of the post?	
How can the proposed hours be accommodated/meet service needs?	
What impact will this have on succession planning in terms of the impact on other team members?	
How can it be demonstrated that approval of this application is in the best interests of the service?	
How does this application meet the longer term workforce/service plans for the post and team?	
Line Manager Signature	
Date	
Approval of Senior Manager	Yes/No
Senior Manager Signature	
Date	