

## Frequently asked questions

These are provided for guidance or quick reference only, so always refer to the policy.

### 1. General

#### 1.1 I want to retire, when do I have to let my manager know?

If you decide to retire then you will need to give your contractual notice, however, if you are in the NHS Pension Scheme you will also need to notify your manager in writing at least 4 months before your planned retirement date to ensure your pension is ready to be paid to you on your retirement. If this notice is not provided, then payment of your NHS Pension and Lump Sum may be delayed.

On receipt of your letter, your manager may wish to have a conversation with you to ensure that you have all the support that you need. All annual leave accrued to date of termination must be taken before your employment end date to avoid any extension of pensionable service.

#### 1.2 What happens to my annual leave when I retire?

You must ensure that you take full account of any outstanding leave when determining your leaving date. If you do not take your outstanding annual leave before you leave, this extends your date of leaving, and your last date for paid employment, and membership of the NHS Pension Scheme. This could delay payment of your pension. You are therefore advised to take all your annual leave before leaving.

#### 1.3 Can I re-employ an ex-employee who has retired?

If you have an employee who opts to retire they are resigning, therefore there is no obligation for NHSBT to re-employ them. In these situations, you will need to have a discussion with the individual about the options available to them before they retire and they will need to contact HR Direct to arrange a call or meeting to confirm their eligibility and options for returning to NHSBT after retirement.

In these cases, the employee may be re-engaged into NHSBT into a different role; on a fixed term basis and/or a part time basis. In which case the person could be asked to learn new or additional skills. Should these employees become redundant at some point in the future, NHS redundancy would be calculated based only on the period post re-employment.

If you do decide to re-employ the employee must resign from their post and take a minimum 2 week break between retirement and re-engagement, which is a statutory break in service (this break cannot include or, be covered by, accrued annual leave or TOIL).

Members of the 1995 Pension scheme must not work more than 16 hours per week for the first calendar month (inclusive of the 2 weeks break) from the date of retirement to the date of starting their re-employment. This is an NHS Pension Scheme regulation and if not met would result in payment of their NHS Pension being suspended.

## 1.4 An employee has requested to reduce their hours prior to retiring, what do I do?

Speak with them so that you can understand why they would like to change and the reasons for their request and advise them that they need to complete and submit to you an application for flexible working. The Flexible Working policy describes the process for formal requests and the form required. Any agreed changes must be confirmed in writing by you to the employee. You must also submit a copy of the agreed application to NHSBT Pay Support for them to action any changes which effect their terms and conditions, for example, the number of hours worked. You no longer need to complete a change to contractual details form, as long as you have submitted the completed and agreed application for flexible working.

Please be aware that all applications must be resolved within 90 days of the submission, including any appeal outcome, therefore you are urged to treat all applications in a timely manner.

For any additional advice and support please refer to the Flexible Working Policy on People First or contact HR Direct - Phone: 0117 3227700 (27700) or by e mail at [HRDirect@nhsbt.nhs.uk](mailto:HRDirect@nhsbt.nhs.uk)

## 2. Claiming a pension and returning to work with NHSBT

### 2.1 What if I want to reduce my hours leading up to claiming my pension or if I want to return to NHSBT after?

You may express an interest in some form of flexible working in the build up to retirement, including wishing to return to work after full retirement. For this to be considered, you will need to put your request in writing to your manager.

To find out more about the flexibilities offered by the NHS Pension Scheme, please speak to HR Direct or go to: <http://www.nhsbsa.nhs.uk/pensions>. You would also need to speak to SBS Pensions to discuss the financial impact on your pension.

### 2.2 What do I need to consider if I wish to claim my NHS Pension and return to work with NHSBT?

If you wish to return to any NHSBT post including your current post, you should speak to your manager to establish if this is an option for you and the department. Your manager will have a specific set of criteria they need to consider. Should you wish to formalise this request, you must contact HR Direct to arrange a call or meeting to discuss and confirm your eligibility and options. If appropriate, they can then provide you with the necessary application form.

If you are given approval, you can finalise arrangements with your manager. If approval is not granted, you will receive an explanation in writing. On approval, your manager will process your termination and send the completed (fully approved) application for retire and return to NHSBT Pay Support for action. In all cases **you must resign from your post and take a 2 week break** between leaving and re-engagement, which is a 'statutory' break in service (this break cannot include, or be covered by, accrued annual leave or TOIL).

When planning a retirement with the intention of returning to work in the NHS it is important to make sure that a sufficient break in service is taken to ensure that your re-engagement does not lead to non-payment or suspension of your NHS Pension.

To do this, you must ensure that you take full account of any outstanding leave when calculating your break in employment. If you do not take your outstanding annual leave before you leave, this extends your date of leaving, and your last date for paid employment and membership of the NHS Pension Schemed.

For NHS Pension purposes when returning to **any** NHS employment (**including** those with NHSBT) there must be:

- a break of at least 24 hours. This means a minimum of 24 hours between the last working day extended by the period of any outstanding annual leave and the start date in the new employment – this NHS Pension rule is met by the requirement for a two week break between termination and re-employment.

And, if you are retiring from the 1995 scheme

- no more than 16 hours per week can be worked in the first calendar month following your retirement date

### 2.3 What kind of flexible retirement options are available in the NHS Pension Scheme?

The flexible retirement options that may be available to you depend on the section of the NHS Pension Scheme you are in.

	1995 section	2008 section	2015 scheme
Step down	✓	✓	✓
Wind down	✓	✓	✓
Retire and Return*	✓	✓	✓
Draw down	✗	✓	✓
Late retirement enhancement	✗	✓	✓
Early Retirement Reduction Buy Out (ERRBO)	✗	✗	✓

\*Members of the 1995 section will not be eligible to re-join the NHS Pension Scheme on their return to employment

You can find out which section or scheme you are in through your Total Reward Statement or Annual Benefits Statement via [MyESR](#) or the [NHS Pensions member identifier](#).

In order to consider your eligibility and options, you will need to contact HR Direct to arrange a call or meeting to discuss these, and this will be required before you can apply for e.g. Retire and Return.

Since the 2015 NHS Pension Scheme was introduced (in April 2015) you may have membership in more than one scheme. When considering flexible retirement options make sure that you understand the application and impact on all parts of your pensionable membership.

### 2.4 Can I take my NHS Pension early?

If you have reached the Minimum Pension Age (MPA), but have not yet reached Normal Pension Age, for the NHS Pension Scheme/section you are in then you can consider taking your pension early under Voluntary Early Retirement (VER).

If you take your NHS Pension benefits under VER they will be reduced to take account of the early payment. Before you hand in your resignation it is essential that NHS Pensions have confirmed to you that the 'Guaranteed Minimum Pension' (GMP) test has been met. This test is an individual, statutory check by HM Revenue and Customs (HMRC) that your pension meets the minimum level as laid down by the relevant legislation. If this is not done, then your NHS Pension will not be paid.

You must ensure that once you have received your estimate for initial consideration that you check the GMP test has been confirmed by HMRC to NHS Pensions before handing in your resignation. NHS Shared Business Services pensions department will be able to advise you about this.

If you are in the 2015 NHS Pension Scheme you may wish to consider Early Retirement Reduction Buy Out (ERRBO). For more information go to link to [Pensions](#).

### 2.5 What length/s of service is recognised for loyal service awards?

You must have completed 20, 30 or 40 years continuous or aggregated service with NHSBT (or any predecessor organisation of NHSBT). Aggregated service is your total service with NHSBT and allows for any breaks in service you may have had.

### 2.6 Will my application for 'flexible retirement' be automatically accepted?

No. Each case will be looked at on its own merits and NHSBT is not obliged to re-employ you if your chosen option involves a resignation to receive your pension benefits. It is really important that you discuss

your thoughts confidentially at the earliest opportunity with your manager and with HR Direct, to explore your options.

## **2.7 As a manager, what should I consider when reviewing an application for 'flexible retirement'?**

When considering an application for 'flexible retirement' as part of the flexible working process, you must ensure that you have thought about and demonstrate the following:

- the requirement for the post to be filled through 'flexible retirement' in light of cost improvement measures
- equality requirements
- value for money
- the standard of the employees work and attendance
- the employee's competence (skills, knowledge and experience) against essential requirements of the post
- whether the hours proposed can be accommodated/meet service needs
- succession planning and the potential impact on the employees return will have on their team
- whether it is in the best interest of the service to accommodate the 'flexible retirement' request
- long term workforce/service plans for the post and team and how the 'flexible retirement' request fits with this.
- Also ensure that you follow any approval process in place within your own Directorate.

## **2.8 How are requests to work flexibly handled in a fair way?**

If your manager receives more than one request to work flexibly close together, they will be considered in the order they are received. Having considered and approved the first request your manager will consider its impact on the business and can take that into account when considering the second request.

If your manager receives more than one request at the same time, each business case should be considered on its own merits. In this situation, your manager must have a discussion with all of the employees making requests to see if there is any room for adjustment or compromise, prior to reaching their decision. In addition, your manager may consider asking for volunteers to alter their working patterns, if this helps to accommodate the request.

## **2.9 Will I be placed on probation if I retire and return?**

No. Probation is only applied to new starters to NHSBT. You will be subject to other NHSBT policies, such as Attendance and Capability, in the normal way.

## **2.10 Will pay protection continue after retire and return?**

No. Reemployment is on the terms and conditions in place at the time of your re-employment and any protections that may have previously been in place will cease and will not continue after your re-employment with NHSBT.

# **3. Resignation**

## **3.1 What do I need to do if an employee resigns?**

When an employee wishes to resign they must give formal notice that they wish to leave the organisation and put this in writing to you as their manager. In their letter they will need to advise you of their last working day which will be based on the amount of notice that they have to give as stated in their contract of employment. If they haven't given details of their last working day you will need to confirm with them exactly when their last day at work will be.

You will need to discuss with them the amount of annual leave that they have outstanding and agree when they will take this leave during their notice period. If it is not possible for them to take the outstanding annual leave due to the service's needs, then they should receive payment for the annual leave in their final salary.

You will also need to immediately complete the standard notification of termination process to initiate their NHS Pension application, terminate their employment and ensure that no overpayment occurs.

You will also need to ensure that all NHSBT property that has been issued to them is returned on their last working day. This will include their security badge, office/locker keys, mobile phone, laptop etc. You will receive a 'Manager's Checklist for staff who are leaving' IT which you will need to complete and MPD 551 provides further information.

### **3.2 I have an employee who is retiring - are there any forms I need to complete?**

For Flexible Retirement such as Retire and Return there is also an application form, which is completed and approved first. This form is issued from HR Direct following a call to discuss individual eligibility and options.

You must complete the standard notification of termination process, via People First, to initiate their NHS Pension application, terminate their employment and ensure that no overpayment occurs.

Once this is received by Pay Support, the pension application form (AW8) will be sent to the employee by NHS SBS Pensions Department.

Unless the above actions are carried out promptly there is a risk that the employee will not receive their pension/lump sum on time.

### **3.3 What happens if an employee changes their mind and wants to withdraw their request for flexible retirement?**

This will depend how far along the process has gone: the later they change their mind the more difficult this will be. The application to receive NHS pension benefits can be cancelled by contacting SBS pensions department, provided the application has not reached and been processed by NHS Pensions, at which point it cannot be withdrawn.

However, management may, for example, have put in place steps to recruit someone to the remaining hours where an employee has asked to reduce their working hours on return after retirement. If job offers have been made or if the budget for those hours has been reallocated, then it may not be possible to reverse the arrangements. In addition, retire and return involves a resignation and NHSBT are not obliged to accept the withdrawal of a resignation.

## **4. Lease Cars**

### **4.1 What happens with the Lease Car if I want to 'Retire and Return' to work?**

Should you have a lease car and apply to Retire and Return to work, there are different options available to you:

- Return the car to the lease company: You may incur charges for early termination costs depending on whether the car is still within the initial contracted period.
- Retain the car: It will be possible to retain full use of the vehicle, during the interim period of unemployment from the organisation. To do this and prior to retirement, you can elect to pay the full cost of the lease, based a daily pro-rated basis, during the interim period. The pro-rated cost will be calculated by the Lease Car administrators you will be invoiced this amount. Should you elect for this option, the lease car will remain fully insured for the interim period of unemployment. On your return to work, a new assignment number will be issued and the lease car allowance, and monthly deduction of your contribution for personal use, will be re-instated. You must also consider how your new hours or working pattern may impact the number of business miles you expect to undertake.

## 5. Policy Approval and Review

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## 6. FAQ's Section Details

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