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## RETIREMENT POLICY

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<b>Purpose of Policy</b>	This policy has been written in order to set out the Trust position on retirement and incorporates the options open to staff when they are considering retirement.
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## Review Log

Include details of when the document was last reviewed.

Version Number	Review Date	Name of reviewer	Ratification Process	Reason for amendments
1	2016	L Bicknell		New policy
2	Aug 2017	L Bicknell	JCC	Policy rewrite
3	Aug 2020	H Vowden	Presented to PSG in January 2021	Policy updates, includes new appendix 5 and 6

## SUMMARY OF POLICY

This policy has been written to explain the Trust position on retirement in the light of the Department of Health guidance issued in July 2017 and to explain the options open to all employees who are considering retiring from their role. This includes:

- stepping down (paragraph 4.3.3),
- winding down (paragraph 4.3.4),

For employees who are in the NHS Pension scheme the rules relating to the different sections of the NHS pension scheme are explained (paragraph 4.3.2) and the additional options open to members:

- drawing down (paragraph 4.3.5),
- late retirement enhancements (paragraph 4.3.6),
- early retirement reduction buy out (paragraph 4.3.7)
- retiring and returning to work (paragraph 4.3.8)

The policy also explains about the pre-retirement courses the Trust runs (paragraph 4.3.10) and who should attend.

**Changes to the Retirement Policy During COVID-19 Pandemic  
Impact on Retire and Return to work in the NHS**

**Please read in conjunction with the policy as it could affect your decision in respect of the date you wish to return to work and the number of hours you work in the first month**

As part of the government's response to the COVID-19 outbreak, legislation has been announced in respect of the rules around staff who retire and return to work in the NHS.

These measures will allow skilled and experienced staff who have recently retired from the NHS to return to work, and they will also allow retired staff who have already returned to work to increase their commitments if required, without having their pension benefits suspended. This will provide valuable capacity to the NHS should it be needed to allow NHS staff to come back to work and tackle the outbreak.

Under the new legislation the government will temporarily suspend from 17<sup>th</sup> March 2020

- the 16-hour rule which currently prevents staff who return to work after retirement from the 1995 NHS Pension Scheme from working more than 16 hours per week in the first four weeks after retirement.
- It will also suspend abatement for special class status holders in the 1995 Scheme as well as
- the requirement for staff in the 2008 Section and 2015 NHS Pension Scheme to reduce their pensionable pay by 10% if they elect to 'draw down' a portion of their benefits and continue working

In addition during the COVID-19 outbreak the Trust will relax its policy on the 14 day break in service rule for flexi retirements. However, the employee who is returning to work after retiring must have at least a minimum of a 24 hour break in service.

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## RETIREMENT POLICY

### 1. INTRODUCTION AND PURPOSE

- 1.1 The Trust values the knowledge and skills that employee's gain during their employment but recognises that retirement is a time of great importance in every employee's life.
- 1.2 In order that the Trust is able to retain the skills of these employees, but at the same time enable them to make the right retirement choice for their personal circumstances, this policy has been drafted which gives the various options open to staff and managers.
- 1.3 It aims to provide employees and managers with sufficient information so that employees can obtain a seamless transition from paid employment to receiving retirement benefits.
- 1.4 The Trust acknowledges that any decision to retire is not taken lightly and is normally made many months if not years in advance. With this in mind managers are expected to discuss with their staff their retirement plans to facilitate succession planning and ensure that relevant skills are maintained after any employee retires.

### 2. SCOPE

- 2.1 This policy applies to all directly employed staff within Solent NHS Trust who hold a contract of employment in line with Solent NHS Trust's Equality, Diversity and Human Rights Policy.

### 3. DEFINITIONS

- 3.1 *Retirement*: Choosing to permanently end employment and take pension benefits if appropriate.
- 3.2 *Retirement Age*: Since the introduction of Equality (Repeal of Retirement Age Provisions) Regulations 2011 there has been no maximum retirement age.
- 3.3 *Retire and Return (Flexible Retirement)*: Choosing to reduce hours to wind down to retirement or to retire take pension benefits and then return to work in some capacity.
- 3.4 *Stepping Down*: Choosing to work in a lower banded role in the lead up to full retirement.
- 3.5 *Wind Down*: Choosing to remain in the same role and grade but reducing hours or shifts in the lead up to full retirement.
- 3.6 *Draw Down*: Choose to continue working whilst receiving between 20% and 80% of their pension entitlements.
- 3.7 *Late Retirement Enhancement*: Increase in pension benefits as a result of working beyond the normal retirement age without taking pension benefits.
- 3.8 *Early Retirement reduced Buy Out*: An employee purchasing additional pension contributions so that they can retire before the normal pension age for the relevant pension scheme.
- 3.9 *Total Reward Statement*: Annual personalised pension statement produced by the NHS Pensions Agency each year which shows summary of all the accrued NHS Pension Benefits. This is obtained via Electronic Staff Records (ESR) Self Service.

- 3.10 *Annual Benefits Statement:* This is available from the NHS Pensions Agency if an employee is excluded from receiving a total reward statement. Other staff may request this, but they will be charged £75 by NHS Pensions (prices as at Jan 2017)
- 3.11 *National Employment Savings Trust (NEST):* This is the alternative pension provider used by the Trust for those employees who are not able to join the NHS Pension Scheme, are below the state pension age, and are earning over the Auto Enrolment level of £833 per month. Employees not able to join the NHS Pension scheme will have retired from the 1995 Section of the NHS Pension scheme or be in full time employment elsewhere whilst in the 1995 Section of the NHS Pension scheme and be working in this Trust on a separate contract.
- 3.12 *Special Class Status:* This applies to Nurses, Nursing Auxiliaries, Occupational Health Nurses, Physiotherapists, Health visitors, Midwives and Mental Health Nurses in the 1995 Section of the NHS Pension scheme who were in NHS Pensionable employment as at the 6<sup>th</sup> March 1995, have not had a break in pensionable employment of five years or more, and have continued to work in a role which requires a nursing/physiotherapy qualification.
- 3.13 *Standard Retirement Pension:* This is the amount of pension payable before an employee chooses to reduce their pension in order to receive a larger lump sum.
- 3.14 *Actuarially Reduction:* This is a reduction applied to an employee's pension and lump sum, if they retire prior to the normal retirement date for the relevant NHS pension scheme.

#### 4. PROCESS REQUIREMENTS

##### 4.1 Full Retirement

- 4.1.1 As there is no maximum retirement age, employees may continue to work as long as they are fit and able to undertake their role. They are therefore able to retire at any point and for employees who are in the NHS Pensions scheme they are able to draw their pension in line with the NHS Pension rules. There are currently three separate NHS Pension schemes all with different retirement ages for the scheme as outlined below:

Scheme:	1995	2008	2015
Normal Retirement Age:	60	65	State pension age
Minimum Retirement age:	50 (55 for members who joined on or after 06/04/2006)	55	55
Normal retirement age for employees with special class status	55	65	State pension age

- 4.1.2 Employees who wish to retire will be required to give notice of their intention to retire by writing to their manager at least four to six months prior to their retirement date. A draft letter is attached at Appendix 1. Their manager must then complete a Notification to retire form available from the People Services Toolkit (Employee Lifecycle) on the intranet.

An AW8 form (Retirement Benefits Claim Form) should be requested at least 4 to 6 months prior to your retirement date from the SBS Pensions Team who can be contacted on 0303 123 1144.

**For those staff who are not returning to work in the NHS Managers will need to ensure they terminate the employee via the Manager Self Service ESR Portal ensuring that the individual has taken all their annual leave prior to leaving the Trust.**

## 4.2 Ill Health Retirement

4.2.2 An employee, who is a member of the NHS Pension scheme and is under the normal pension age for the scheme they are in, may in certain circumstances be considered for retirement on the grounds of ill health. Further details are available on the People Services Toolkit (HR Consultancy) on the intranet.

## 4.3 Flexible Retirement Options

4.3.1 The Trust acknowledges that employee's may wish to make some adjustments to their working pattern immediately prior to retirement. With this in mind the Trust does offer some options to staff although some options are only available to members of the NHS Pension scheme. Each of the options will be covered in turn.

4.3.2 Currently there are three separate sections of the NHS Pension scheme, and as a result some employees may have membership in more than one section of the scheme. Depending on whether or not an employee is in the NHS Pension scheme and the section they have paid into will determine the flexible options available to them. The following table provides information on the options open to individuals:

Scheme	Not in Pension	1995 Section	2008 Section	2015 Section
Step Down	✓	✓	✓	✓
Wind Down	✓	✓	✓	✓
Draw Down	x	x	✓	✓
Retire and Return	✓	✓	✓	✓
Late Retirement Enhancement	x	x	✓	✓
Early Retirement Reduction Buy Out	x	x	x	✓

Employees can see the scheme they are in by viewing their Total Reward statement.

### 4.3.3 Step Down

4.3.3.1 If there is a suitable role available, an employee can ask to step down into a less demanding and lower banded role which still utilises their skills and experience. When considering this flexible working request the manager will must ensure the needs of the business will be met.

4.3.3.2 If the request is agreed, a change in contract form should be completed which is available from the People Services Toolkit (Employee Lifecycle) on the intranet. If the employee is in the 1995 or 2008 Section of the NHS Pension scheme and their pay is reduced by 10% or more, they may apply for Pension Protection from the date that their pay is reduced and they step down in their role. The Pension Protection form can be obtained from [www.nhsba.nhs.uk/nhs-pensions](http://www.nhsba.nhs.uk/nhs-pensions).

4.3.3.3 If the manager is unable to agree to the employee's request the employee may choose to apply for an advertised vacancy within the Trust. Please note for Pension Protection, step down does not apply if the employee moves to a different Trust.

#### 4.3.4 Wind Down

4.3.4.1 As an alternative to retiring completely, employees may request a reduction in their working hours. Any such request will be treated as a flexible working request in accordance with the flexible working policy which is currently under development.

If the request is agreed a change of contract form should be completed which is available from the People Services Toolkit (Employee Lifecycle) on the intranet.

4.3.4.2 An employee's pension for the 1995 and 2008 Sections of the NHS Pension Scheme is calculated on the whole time equivalent pensionable pay, so if they work half time they have to serve two years in order to obtain one years pensionable membership. By reducing their hours it will not reduce the pensionable pay used for their Pension Benefits as the pensionable pay for the year is grossed up to a full time equivalent rate.

#### 4.3.5 Draw Down – option available to NHS Pension Scheme members only.

4.3.5.1 Employees' who have membership in the 2008 or 2015 Sections of the NHS Pension scheme who are over the minimum retirement age (See paragraph 4.1.1 table), whose pay is reduced by a minimum of 10%, can with the agreement of the Trust take between 20% and 80% of their pension entitlement whilst continuing to be employed and building up future pension membership. Further information can be obtained from [www.nhsba.nhs.uk/nhs-pensions](http://www.nhsba.nhs.uk/nhs-pensions).

4.3.5.2 If they take their benefits before age 65 their pension will be reduced. Their pensionable pay must continue to be reduced for 12 months following the drawdown of pension or else they would cease to be eligible for the pension they have taken. Employees' may draw down benefits twice before retiring, but they are advised to seek Independent Financial advice before they take up this option, particularly in relation to the impact of PAYE on their remaining pension and lump sum.

4.3.5.3 If agreed the manager should complete a change of contract form available from the People Services Toolkit (Employee Lifecycle) on the intranet.

#### 4.3.6 Late Retirement Enhancement – option available to NHS Pension Scheme members only.

4.3.6.1 If an employee in the 2008 or 2015 section of the NHS pension scheme chooses to delay their retirement until after their normal retirement age for the scheme, their pension will be increased as the NHS Pensions Agency will apply a late retirement factor to the pension. Further information can be obtained from [www.nhsba.nhs.uk/nhs-pensions](http://www.nhsba.nhs.uk/nhs-pensions).

#### 4.3.7 Early Retirement Reduction Buy Out (ERRBO) – option available to NHS Pension Scheme members only.

4.3.7.1 Members of the 2015 Section of the NHS Pension scheme can pay additional contributions to buy out or reduce the actuarial reduction that would be applied if they were to retire before their normal state pension age. This must be agreed within three months of joining the 2015 section of the NHS Pension scheme. Further information can be obtained from [www.nhsba.nhs.uk/nhs-pensions](http://www.nhsba.nhs.uk/nhs-pensions).



#### 4.3.8 Retire and Return (previously flexible retirement) following a prescribed break in employment

4.3.8.1 Any employee who is in the NHS Pension scheme, who has reached the minimum pension age for their scheme may request to retire, take their pension benefits, and return to work following a prescribed break, either in their current role on reduced hours or in a different role as a substantive employee. **As an alternative they may choose to apply to the Bank Staffing Service for an “as and when” Bank agreement (refer to 4.3.8.4 below).**

4.3.8.2 Whilst the right to return to employment within the Trust is not an automatic right, the Trust does recognise that this can be advantageous for both the employee and the service to be able to retain skills and experience whilst the employee leads up to full retirement. However, the Trust is unable to agree to an employee retiring and then returning to their previous hours, even after the prescribed pension period see paragraph 4.3.8.10. Any re-employment will need to ensure that an employees’ working hours are substantially different to the role performed prior to their retirement.

4.3.8.3 An application to apply to retire and return must be made at least four to six months prior to the leaving date. A copy of the form is enclosed at appendix 2. Before agreeing to any such request the manager will consider the following:

- Whether any organisational changes or cost improvement measures are planned and the potential impact on the role
- Whether this option provides value for money
- The potential impact on succession planning if the employee returns to work
- Whether the hours proposed can be accommodated and meets service needs
- How the remaining work will be organised
- If the role is hard to recruit into
- The standard of the employee’s work, attendance and competence against the essential requirements of the post
- The employee’s competence against the requirements of the post
- If it is in the best interest of the service to accommodate the “retire and return” request
- The longer term workforce service plans for the team/service and how “retire and return” fits into this.

A template is part of the form in appendix 2. If agreed, this form will be sent to the People Services team available from the People Services Toolkit (Employee Lifecycle) on the intranet, at least four months prior to the employees retirement date.

An AW8 form (Retirement Claim Form) should be requested at least 4 to six months prior to your retirement date from the SBS Pensions Team who can be contacted on 0303 123 1144.

4.3.8.4 Please remember that if the employee requests that they retire and return to the bank it will be the Bank Staffing Service who will determine if they are able to accommodate the return to work request. If staff wish to join the Bank they will need to complete a “Back to Bank” application form which can be obtained from the BSS service.

**If the employee is retiring and returning to the bank Managers will need to terminate the employee via the Manager Self Service Portal but in the comments box ensure they indicate that the person will be returning on bank.**

4.3.8.5 In all cases, in order to break the continuity of employment the Trust requires employees to take a minimum 14 day unpaid break between retirement and re-engagement. In order to avoid any doubt this applies to permanent (without limit) contracts, fixed term contracts, and bank agreements. During this 14 day break the employee must not be in receipt of paid annual leave.

- 4.3.8.6 Please note this break applies to the employees' contractual relationship with the Trust. It is different and separate from the breaks described in the NHS Pension Scheme, which outlines the minimum break to be taken to avoid pension payments being suspended. In all cases the unpaid break stated in paragraph 4.3.8.5 must be taken prior to re-engagement.
- 4.3.8.7 Breaking the continuity of employment means that an employee on return must serve a further two years to accrue their statutory employment rights under the Employment Rights Act 1996 and a minimum of 104 weeks continuous service to be eligible for statutory and occupational redundancy payments, Mutually Agreed Resignation Scheme payments. Any pay protection will only be calculated using the service post retirement.
- 4.3.8.8 On returning to work the following will apply:
- a new contract of employment will be issued
  - new employee number will be given to the employee
  - their continuous service date will be the date they returned to work
  - annual leave entitlement will be recalculated on the basis on the new hours, but will be based on the same length of service as it was prior to retirement
  - sickness entitlements will remain the same as they were prior to retirement as long as the break in service is for less than 12 months
  - a new identity card will need to be issued if there is a change in job title
  - if the employee is under the state retirement age they will be enrolled into the NHS Pension scheme if they are able to re-join (2008 and 2015 Sections). Alternatively if they are not able to re-join the NHS Pension scheme (1995 section) and their earnings exceed the auto-enrolment amount (currently £833 per month as at 06/04/20) they will be enrolled into the NEST pension.
- 4.3.8.9 The NHS Pension scheme requires a 24 hour break in employment in order stop pension benefits being suspended irrespective of the scheme the employee is in. NHS Pensions places additional restrictions on members of the 1995 section of the pension scheme where the following applies:
- Aged under 60 – they may work up to 16 hours in the calendar month following retirement (e.g. if they retire on the 15/03/17 and return to work on the 10/04/17 the 16 hours per week will be from the 10/04/17 to the 14/04/17 only). After that it depends on whether an actuarially reduction has been applied to the pension. If so, NHS pensions does not restrict the hours of work. On the other hand if an employee had special class status when they retired, their salary plus the standard pension must not exceed the amount of pensionable pay prior to retirement.
  - Aged 60 plus – they may work up to 16 hours in the calendar month following retirement, and after that NHS Pensions places no restriction on the hours of work.
- 4.3.8.10 **Please note** that the Trust, as stated in paragraph 4.3.8.2 will not agree to the employee returning to work on the same or higher hours than they were working prior to retirement.
- 4.3.9 Appeals
- 4.3.9.1 If a manager is unable to agree to a request to reduce an employee's hours/band, or enable them to retire and return to work the employee will be notified in writing within 28 days of the initial request being made in writing (See Flexible Working policy) .
- 4.3.9.2 If through further discussion no agreement can be reached the employee may appeal against the decision under the Flexible Working policy.

#### 4.3.10 Pre-Retirement Courses

4.3.10.1 The Trust runs pre-retirement course several times a year, which employees are able to book a place on via Employee on-line. As these courses get full quite quickly it is recommended that employees contact the People Services Learning and Development team if a course is not yet shown on the training schedule. It is recommended that employees attend this course at least two years before they intend to retire.

## 5. ROLES AND RESPONSIBILITIES

### 5.1 Employees are required to:

- Communicate with their manager about their future plans
- Comply with the requirements of this policy
- Ensure that adequate notice is given to their manager of any change requests
- Ensure that they complete any forms in relation to their retirement in a timely manner or else their pension will be delayed
- Ensure complete an AW8 Retirement Benefits form and return to the SBS Pensions Team for processing
- Ensure they apply for pension protection if appropriate
- Contact the HMRC once they have returned to work following retirement to ensure that they are paying the correct rate of tax. If they produce the P45 issued to them by the Trust on retirement, when they return to work, they will be under paying PAYE.
- If returning to work ensure the NHS Pension Re-employment Form is sent to People Services to complete in order to release their monthly pension

### 5.2 Managers are responsible for ensuring that:

- This policy is implemented fairly and equitably within their service area
- Their staff are aware of the requirements of this policy
- They hold open discussions with their staff about their future plans
- All requests made under this policy are actioned in a timely manner
- Employees are encouraged to attend pre-retirement courses
- Send Notification to Retire/Notification to Retire and Return form to the People Services team
- **Terminate those staff via Manager Self Service who will not be returning to employment when retiring and for those staff who will be retiring but returning to the bank only**

### 5.3 The People Services Team are responsible for:

- Providing advice and guidance on this policy
- Ensuring that all requests from managers for their employees are actioned within agreed timescales
- Ensuring sufficient pre-retirement courses are available for employees (People Services Learning & Development)

## 6. TRAINING

6.1 Whilst there is no specific training identified in relation to the application of this policy, the Trust recognises the importance of appropriate training for staff. If any clarification in relation to this policy is required please contact the PS team. Appendix 3 provides answers to some regular questions.

## **7. EQUALITY IMPACT ASSESSMENT AND MENTAL CAPACITY**

- 7.1 In line with Trust policy, an Equality Impact Assessment has been completed. It is understood that no employee will receive less favourable treatment on the grounds of disability, age, sex, race, religion or belief, gender reassignment, pregnancy or maternity, marriage or civil partnership, working patterns or Trade Union membership or non-membership in relation to the application of this policy. The Equality Impact Assessment is included in Appendix 4.

## **8. SUCCESS CRITERIA/MONITORING EFFECTIVENESS**

- 8.1 The success of this policy will be monitored by the PS team, reviewing the number of queries, and appeals received, any issues identified will be taken into account in the next version of this policy.

## **9. REVIEW**

- 9.1 This document may be reviewed at any time at the request of either at staff side or management, but will automatically be reviewed 3 years from initial approval and thereafter on a triennial basis unless organisational changes, legislation, guidance or non-compliance prompt an earlier review.

## **10. REFERENCE AND LINKS TO OTHER DOCUMENTS**

- 10.1 This policy contains links to the following policies:
- Managing Absence and Wellbeing
  - Flexible Working Policy
  - NHS Pensions Retirement Guide: <https://www.nhsbsa.nhs.uk>
  - Returning to Work after Ill Health Retirement: <https://www.nhsbsa.nhs.uk/sites/default/files/2017-08/Return%20to%20work%20after%20ill%20health%20retirement%20factsheet%20%28V7%29%2008.2017.pdf>
  - Returning to Work following Retirement: <https://www.nhsbsa.nhs.uk/sites/default/files/2017-08/Returning%20to%20work%20after%20retirement%20factsheet%20%28V5%29%2008.2017.pdf>

**APPENDIX 1 - DRAFT NOTIFICATION OF RETIREMENT LETTER**

[DATE]

**PRIVATE AND CONFIDENTIAL**

[MANAGER NAME]

[ADDRESS]

DEAR [NAME]

**RE: NOTIFICATION OF RETIREMENT**

**NAME:** [INSERT NAME]

**ASSIGNMENT NUMBER:** [INSERT ASSIGNMENT NUMBER]

I am writing to advise you that following careful consideration, I have decided to retire from my post as [Insert post name] with effect from [Insert Date of Retirement] and take my NHS Pension from [Insert day following date of retirement].

I understand that I need to complete an AW8 Retirement Benefit Claim Form which can be requested from the SBS Pensions team.

Please confirm how much annual leave I will have accrued by my leaving date, so that I can ensure it has been taken by my last working day on [Insert date].

Yours sincerely

[INSERT NAME]

***PLEASE REMEMBER YOU SHOULD GIVE YOUR MANAGER AT LEAST FOUR TO SIX MONTHS NOTICE OF YOUR INTENTION TO RETIRE***

<b>PART 1 - to be completed by Employee</b>	
<b>NAME:</b>	
<b>BAND/ GRADE:</b>	
<b>JOB TITLE:</b>	
<b>LOCATION:</b>	
<b>MANAGERS NAME:</b>	
<b>Date of Retirement:</b>	
<b>Last day of employment:</b>	
<p><b>I would like to apply to be able to retire and return to work under the Trust Retirement Policy. I appreciate that this is not an automatic right and is subject to the business needs and approval of the Trust.</b></p> <p><b>If my request is agreed, following a minimum 14 day unpaid break I would like to return to work on:</b></p> <p><b>I would like to work:</b> <input type="text"/> hours per week</p> <p><b>I would like you to take into account the following when considering this request:</b></p> <p><input type="text"/></p> <p><b>I believe that these hours can be accommodated within the team as follows:</b></p> <p><input type="text"/></p> <p><b>I believe that this would be good for the organisation for the following reasons:</b></p> <p><input type="text"/></p> <p>I am aware of the implications this request will have on my terms and conditions of employment and understand my responsibilities and requirements contained within the Trust Retirement policy. I have accessed by most recent Total Reward statement and understand that I should seek independent financial advice about my pension.</p> <p>I would like my pension to be paid from the day after I leave and understand that I have to complete an AW8 Retirement Benefits Form which can be requested from the SBS Pensions Team.</p> <p>I understand that if my date of retirement is within four months of this notification my pension will be delayed.</p>	
<b>SIGNED:</b>	
<b>PRINT NAME:</b>	
<b>DATE:</b>	
<b>PART 2 - to be completed by Line Manager</b>	

<b>DATE RECEIVED BY MANAGER:</b>	
<b>Points to be considered by the manager when deciding if this request can be accommodated:</b>	
<b>1: Are there any organisational changes or cost improvement measures planned for the team which will impact on this role?</b>	
<b>2: How will agreeing to this request provide value for money?</b>	
<b>3: How will enabling this employee to return to work impact on succession planning for the team/ service?</b>	
<b>4: Will the hours requested meet service needs, within current budget?</b>	
<b>5: If the employee is returning on reduced hours, what is your plan for the remaining hours (e.g. Will the work be reorganised amongst other staff or will those hours need to be recruited into or will they be a cost saving?)</b>	
<b>6: Is this role a hard to fill post?</b>	
<b>7: Are there any issues with this employee's work competency or attendance?</b>	
<b>8: Will the decision to allow this employee to return to work be in the best interest of the service in the short term?</b>	
<b>9: Will this decision impact on the longer term workforce plans for the team/service?</b>	
<b>Managers Declaration</b> <i>(delete as appropriate):</i>	
<b>A:</b> I have considered the employees request to retire and return to work, and consider that it should be agreed for the following reasons:	
The employee will be returning to work on ..... following a minimum 14 day break, and will work ..... hours per week.	
<b>B:</b> I have considered the employees request to retire and return to work and consider that it should not be agreed on the follow grounds:	
<b>Signed:</b>	<b>Dated:</b>

**PLEASE FORWARD THIS FORM TO THE PEOPLE SERVICES TEAM. THE EMPLOYEE SHOULD BE NOTIFIED OF THE OUTCOME OF YOUR DECISION.**

## **APPENDIX 3 - RETIREMENT AND EARLY RETIREMENT QUESTIONS AND ANSWERS**

### **1. Normal retirement age under the NHS pension scheme**

#### **1.1 *Is there a maximum retirement age?***

There is no maximum retirement age within the NHS as long as an employee is fit and competent to undertake the role they are employed to do. However the maximum age that an employee can pay into the NHS Pension scheme is age 75, 65 for employees with special class status (see below). In the 1995 and 2008 Sections of the NHS Pension scheme there is also a maximum number of years (45 years) that an employee can accrue in the NHS pension.

#### **1.2 *When can someone in the 1995 Section of the NHS Pension scheme retire?***

The normal retirement age for someone in the 1995 section of the pension scheme is age 60. They can retire from age 50 to 59, but if they do their pension lump sum and pension will be subject to an actuary reduction unless they have special class status.

#### **1.3 *Who is eligible for special class status?***

An employee working as a nurse, Nursing Auxiliary, Physiotherapist, Midwife, or Health visitor who was in the NHS Pensions scheme as at 6<sup>th</sup> March 1995, and has remained in the 1995 section of the NHS Pension scheme working in the above occupations continuously since that date, without a break of five years or more is eligible for special class status.

#### **1.4 *Who is eligible for Mental Health officer status?***

This is similar to special class status, but it compensates pension members who are caring for patients suffering from mental health disorders. If the employee has been employed within the NHS working as a Doctor or Nurse, and been in the 1995 Section of the NHS Pension scheme continuously since 6<sup>th</sup> March 1995 working with mental health patients without a break of five years or more they will be eligible for Mental Health officer status. After 20 years full time equivalent pensionable service their pension contributions are doubled for each complete year of additional service over the 20 years. For example in these circumstances a full time employee with one full year pension contributions equates to two years pension service.

#### **1.5 *When can someone with Special class status/Mental Health officer status retire?***

As long as they have remained in the 1995 section of the NHS Pensions scheme in a qualifying occupation, they can retire at age 55 without an actuary reduction applied to the pension or lump sum.

#### **1.6 *When can someone in the 2008 Section of the NHS Pension scheme retire?***

The normal retirement age for someone in the 2008 section of the NHS Pension scheme is age 65. They can however drawdown part of their pension at age 55 (see below).



### **1.7 *When can someone in the 2015 Section of the NHS Pension scheme retire?***

The normal retirement age for employees' in this section of the pension scheme is the state pension age or 65 if the state pension age is earlier.

### **1.8 *If someone is in the 2015 Section of the NHS Pension scheme but also has service in the 1995 scheme when can they retire?***

They would be able to claim their 1995 scheme pension when they reach age 60, 55 if they have special class status as long as they take an unpaid break and leave the 2015 section of the NHS Pension scheme. They would not be able to claim their 2015 section pension without an actuary reduction until they reach normal pension age.

### **1.9 *If someone is in the 2008 or 2015 Sections of the NHS Pensions scheme can they take their pension earlier than the normal pension age with a reduction?***

In these schemes at age 55 an employee can drawdown part of their pension, as long as their pensionable pay had been maintained for 12 months prior to the drawdown. The pensionable pay drops by at least 10% and must remain at the lower level for a further 12 months. The pension lump sum and pension would be subject to an actuary reduction and it is important that financial advice is sought as there may be tax implications when the balance of the pension is claimed.

## **2. Retire and Return (Flexible retirement)**

### **2.1 *What is retire and return (flexible retirement)?***

If an employee is in the NHS Pension scheme they can retire and then return to work with the agreement of their manager, subject to certain requirements.

### **2.2 *What are the specific requirements?***

The NHS Pensions scheme requires that members leave the NHS pension scheme for 24 hours, irrespective of the Section of the scheme they are in, before returning to work. However in order to break continuity of employment the Trust requires employee's take a 14 day unpaid break, which is in line with HR and NHS Best Practice.

### **2.3 *Are there any other specific requirements for the 1995 Section of the pension scheme?***

If the employee is under age 60 they will only be able to work 16 hours per week for the first month following retirement. After that, if they had special class status their earnings plus pension cannot exceed their pensionable earnings prior to retirement.

If the employee is age 60 or over they again will only be able to work 16 hours per week for the first month following retirement, but after that there will be no restriction on the hours that they work or earnings they receive. **However, please refer to paragraph 4.3.8.10 for further information.**

They will not be able to re-join the NHS pension scheme.

**2.4 *When does the month mentioned in question 2.3 start and end?***

The month starts on the day of retirement and finishes one month later, so if an employee retires on the 14<sup>th</sup> August 2020 and returns to work on the 1<sup>st</sup> September they would only be able to work 16 hours per week from the day they return to work on the 1<sup>st</sup> September 2020 until they reach the one month anniversary date following retirement on the 13<sup>th</sup> September 2020.

**2.5 *If I had special class status when I left and take a higher lump sum will I be able to earn more as my pension is less?***

No, the Pension Agency takes the employee's standard rate of pension into account when calculating the amount an employee can earn even if they take a higher pension lump sum and reduce the amount of their pension.

**2.6 *Are there any specific requirements for the 2008 Section of the pension scheme?***

After their break in employment they may re-join the 2015 section of the NHS pension scheme until they reach age 75.

**2.7 *Are there any specific requirements for the 2015 Section of the pension scheme?***

After their break in employment they may re-join the NHS pension scheme, until they reach age 75.

**2.8 *How is retire and return applied for?***

There is a "Notification of Request to Retire form" in the People Services Toolkit (Employee Lifestyle) section on the intranet which the employee needs to complete and forward to their manager.

**2.9 *Does the manager have to agree to the request?***

As the employee will be leaving the Trust it is up to the manager whether they agree to the request to return to work. However, if the manager refuses the request they must be clear and have good reasons why they are refusing. An alternative may be that the individual returns to work as a bank worker, but bank work is not then guaranteed.

**2.10 *What happens after the form is forwarded to the manager?***

The manager will consider the request and if it is agreed to the manager will calculate the annual leave due up to the leaving date using the annual leave calculator available from the People Services Toolkit (Employee Lifestyle). From this they will deduct the annual leave taken which is extracted from the Health Roster system to determine how much annual leave the employee must take before their retirement date. All annual leave must be taken before the retirement date.

The Notification to Retire and Return should be forwarded to the PS team

## Applying for a NHS Pension

### **2.11 How does someone apply for their NHS pension?**

Employees should contact the SBS Pensions Team to request an AW8 form on 0303 123 1144 . The employee needs to complete from section 7 to Section 15 the form.

You also need to ensure that your name and date of last day of employment is on the front page of the form under Part 1 “Member Details”

### **2.12 What happens to the AW8 Pension form once it is completed?**

The AW8 form needs to be witnessed by a separate unrelated person and signed on the same day as the employee signs it.

The employee needs to provide copies of their birth certificate or passport, partner’s birth certificate or passport, dependant child’s birth certificate or passport, marriage certificate, decree absolute, or partner’s death certificate if they are deceased. Each copy needs to be annotated as “a true copy of the original” and signed by the Manager.

The form then needs to be handed or posted to SBS at Waterside House, Town Quay, Southampton SO14 2NH who will complete Sections 1-6.

Please note: A child for the purpose of NHS Pensions is a person under the age of 24.

### **2.13 What action does SBS take when the form is received?**

Once the form is received, the pension record will be checked. An acknowledgement will then be sent to the employee confirming receipt of the form. SBS will then complete an on-line form to notify the Pension Agency that the employee is taking their pension.

### **2.14 When will the Pension Agency pay the pension?**

If the employee states that they are returning to work within the NHS, the Pension Agency will send a Re- Employment form to the employee which needs to be forwarded to and completed by the PS team. Until this form is completed and received back in the Pensions Agency no pension or lump sum will be released.

Within one month of retirement the Pension Agency will write to the employee giving their final pension entitlement. On the same day they will notify the Paymaster.

The Paymaster will write to the employee notifying them when their pension will be paid. This letter will give a paymaster reference. This should be kept safe as the paymaster will require this reference to be quoted in any contact with them.

### **2.15 What happens if the employee is returning to work?**

As soon as the employee is notified of their final pension entitlement by the pension Agency, they must phone the HMRC to notify them. The reason for this is that their pension will take up part or all of their tax free allowance. If they work using their original tax code they will be under paying tax, and will end up with a tax bill at the end of the tax year.

The PS team will set up a new employee record for the employee. They will be given a new employee number.

**2.16 *How will retirement impact on sickness, annual leave and other benefits on returning to work?***

When the employee returns to work their service for annual leave and sickness purposes will remain the same as prior to their retirement, but as they will have broken their continuity of employment their service prior to the start of their new role will not be counted for pay protection, redundancy or MARS purposes.

**2.17 *Will pay protection continue to be paid when the employee returns to work?***

*As the employee is returning to work on a new contract, any pay protection paid on the previous contract will not be payable on their return to work.*

**2.18 *Will the employee be able to re-join a pension scheme?***

In the 2008 and 2015 Sections of the NHS Pension scheme employees' will be able to re-join the NHS Pension scheme. However if they retire from the 1995 Section of the NHS Pension scheme they will not be able to re-join the NHS Pension scheme. In these circumstances if their pensionable pay is above £833 (2020-2021 tax year) in any calendar month they will be auto-enrolled into the NEST pension scheme, unless they are above the state pension age. If they are above the state pension age but below age 75 they can still join the NEST pension scheme, on request.

**3. Other information**

**3.1 *How does an employee know which pension scheme they are in?***

An employee can check the section of the NHS Pension scheme that they are in, by viewing their Total Reward Statement. If they were in the 1995 scheme and have automatically transferred to the 2015 scheme they will have two pension statements one for the 1995 scheme service and the other for the 2015 scheme service.

They can also check the scheme that they are in by using the following link

<https://apps.nhsbsa.nhs.uk/choice/MemberID.html>

**3.2 *Which employee's automatically transferred to the 2015 scheme?***

All new employee's from the 1<sup>st</sup> April 2015 have joined the 2015 section of the NHS Pension scheme unless they had preserved rights, and anyone who was not within 13 years and five months of their normal retirement age as at the 1st April 2012 moved to the 2015 Section of the NHS pension scheme from 1<sup>st</sup> April 2015.

### 3.3 Who is eligible for preserved rights?

Preserved rights or protection was applied to any employee who was an active member of the NHS Pension scheme as at 1st April 2012 and are an active member of the NHS Pension scheme as at 1st April 2015, who were within 13 years and five months of their normal retirement aged under the scheme as at the 1st April 2012. The following table explains the protection arrangements and ages when protection applies as at 1st April 2012:

Protection	1995 scheme	1995 scheme with special class status	2008 scheme
Full protection – will not move into 2015 scheme	Date of Birth before 02/04/62	Date of birth before 02/04/67	Date of birth before 02/04/57
Tapered protection – will move into the 2015 scheme from a later date	Date of birth between 02/06/62 and 31/08/65	Date of birth between 02/04/67 and 31/08/70	Date of birth between 02/04/57 and 31/08/60

Tapered protection means for each month over ten years an employee was before their normal retirement age under the NHS Pension scheme as at 1st April 2012, the date they will transfer into the 2015 will be reduced by 2 months from the end of the tapered protection period of 31st March 2022. For example an employee in the 1995 scheme, who was eleven years six months before their normal retirement age under the scheme as at the 1st April 2012, would transfer into the 2015 scheme on the 1st April 2019, which is 36 months before the end of the Tapered protection period.

### 3.4 Does full or tapered protection in the 1995 section of the NHS Pension scheme cease on leaving the Trust?

If someone has full or tapered protection prior to leaving the Trust, on returning to the NHS they will return to the same section of the NHS Pension scheme as long as they have not taken their pension, the break in employment is less than 5 years and for those on tapered protection their tapered protection period had not expired.

### 3.5 How does an employee obtain a pension estimate?

The pension agency no longer issue pension estimates as a matter of course as most employees' have access to a Total Reward Statement via ESR self-service.

If they have access to a Total Reward Statement the NHS Pension Agency will charge £75 per estimate requested.

### 3.6 What happens if they cannot obtain a total reward statement?

If an employee is not able to view their total reward statement they should contact the PS team in the first instance.

### 3.7 Where is a death benefit nomination form obtained from?

A death benefit nomination form can be obtained from the NHS Pensions website on <http://www.nhsbsa.nhs.uk/Pensions/4110.aspx>. Once completed the form needs to be sent directly to NHS Pensions to the address stated on the form.

If no nomination form has been completed the nomination would automatically be a married partner, or parents. It is therefore very important that a new nomination form is completed if an employee separates from their partner, gets divorced or is widowed.

## APPENDIX 4 - Equality Impact Assessment

### Equality Analysis and Equality Impact Assessment

**Equality Analysis** is a way of considering the potential impact on different groups protected from discrimination by the Equality Act 2010. It is a legal requirement that places a duty on public sector organisations (The Public Sector Equality Duty) to integrate consideration of Equality, Diversity and Inclusion into their day-to-day business. The Equality Duty has 3 aims, it requires public bodies to have due regard to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and other conduct prohibited by the Equality Act of 2010;
- **advance equality of opportunity** between people who share a protected characteristic and people who do not;
- **foster good relations** between people who share a protected characteristic and people who do not.

**Equality Impact Assessment** (EIA) is a tool for examining the main functions and policies of an organisation to see whether they have the potential to affect people differently. Their purpose is to identify and address existing or potential inequalities, resulting from policy and practice development. Ideally, EIAs should cover all the strands of diversity and Inclusion. It will help us better understand its functions and the way decisions are made by:

- **considering the current situation**
- **deciding the aims and intended outcomes of a function or policy**
- **considering what evidence there is to support the decision and identifying any gaps**
- **ensuring it is an informed decision**

### Equality Impact Assessment (EIA)

Step 1: Scoping and Identifying the Aims	
Service Line / Department	People Services
Title of Change:	Policy Review
What are you completing this EIA for? (Please select):	Policy <span style="float: right;"><i>(If other please specify here)</i></span>
What are the main aims / objectives of the changes	Policy in line with current NHS Pensions guidance and Trust processes

#### Step 2: Assessing the Impact

Please use the drop-down feature to detail any positive or negative impacts of this document /policy on patients in the drop-down box below. If there is no impact, please select "not applicable":

Protected Characteristic	Positive Impact(s)	Negative Impact(s)	Not applicable	Action to address negative impact: <i>(e.g. adjustment to the policy)</i>
Sex			N/A	
Gender reassignment			N/A	
Disability			N/A	
Age			N/A	
Sexual Orientation			N/A	
Pregnancy and maternity			N/A	
Marriage and civil partnership			N/A	
Religion or belief			N/A	
Race			N/A	

*If you answer yes to any of the following, you MUST complete the evidence column explaining what information you have considered which has led you to reach this decision.*

Assessment Questions	Yes / No	Please document evidence / any mitigations
In consideration of your document development, did you consult with others, for example, external organisations, service users, carers or other voluntary sector groups?)	No	
Have you taken into consideration any regulations, professional standards?	Yes	NHS Pensions Agency guidelines

**Step 3: Review, Risk and Action Plans**

How would you rate the overall level of impact / risk to the organisation if no action taken?	Low	Medium	High
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
What action needs to be taken to reduce or eliminate the negative impact?	Fair and consistent application of policy		
Who will be responsible for monitoring and regular review of the document / policy?	Strategic Pay and Reward Manager		

**Step 4: Authorisation and sign off**

*I am satisfied that all available evidence has been accurately assessed for any potential impact on patients and groups with protected characteristics in the scope of this project / change / policy / procedure / practice / activity. Mitigation, where appropriate has been identified and dealt with accordingly.*

**Equality Assessor:** Helena Vowden **Date:** 11 February 2021



## Additional guidance

Protected characteristic	Who to Consider	Example issues to consider	Further guidance
1. <b>Disability</b>	A person has a disability if they have a physical or mental impairment which has a substantial and long term effect on that person's ability to carry out normal day today activities. Includes mobility, sight, speech and language, mental health, HIV, multiple sclerosis, cancer	<ul style="list-style-type: none"> <li>• Accessibility</li> <li>• Communication formats (visual &amp; auditory)</li> <li>• Reasonable adjustments.</li> <li>• Vulnerable to harassment and hate crime.</li> </ul>	Further guidance can be sought from: Solent Disability Resource Group
2. <b>Sex</b>	A man or woman	<ul style="list-style-type: none"> <li>• Caring responsibilities</li> <li>• Domestic Violence</li> <li>• Equal pay</li> <li>• Under (over) representation</li> </ul>	Further guidance can be sought from: Solent HR Team
3 <b>Race</b>	Refers to an individual or group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.	<ul style="list-style-type: none"> <li>• Communication</li> <li>• Language</li> <li>• Cultural traditions</li> <li>• Customs</li> <li>• Harassment and hate crime</li> <li>• "Romany Gypsies and Irish Travellers", are protected from discrimination under the 'Race' protected characteristic</li> </ul>	Further guidance can be sought from: BAME Resource Group
4 <b>Age</b>	Refers to a person belonging to a particular age range of ages (eg, 18-30 year olds) Equality Act legislation defines age as 18 years and above	<ul style="list-style-type: none"> <li>• Assumptions based on the age range</li> <li>• Capabilities &amp; experience</li> <li>• Access to services technology skills/knowledge</li> </ul>	Further guidance can be sought from: Solent HR Team
5 <b>Gender Reassignment</b>	" The expression of gender characteristics that are not stereotypically associated with ones sex at birth" World Professional Association Transgender Health 2011	<ul style="list-style-type: none"> <li>• Tran's people should be accommodated according to their presentation, the way they dress, the name or pronouns that they currently use.</li> </ul>	Further guidance can be sought from: Solent LGBT+ Resource Group
6 <b>Sexual Orientation</b>	Whether a person's attraction is towards their own sex, the opposite sex or both sexes.	<ul style="list-style-type: none"> <li>• Lifestyle</li> <li>• Family</li> <li>• Partners</li> <li>• Vulnerable to harassment and hate crime</li> </ul>	Further guidance can be sought from: Solent LGBT+ Resource Group
7 <b>Religion and/or belief</b>	Religion has the meaning usually given to it but belief includes religious and philosophical beliefs, including lack of belief (e.g Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition. (Excludes political beliefs)	<ul style="list-style-type: none"> <li>• Disrespect and lack of awareness</li> <li>• Religious significance dates/events</li> <li>• Space for worship or reflection</li> </ul>	Further guidance can be sought from: Solent Multi-Faith Resource Group Solent Chaplain
8 <b>Marriage</b>	Marriage has the same effect in relation to same sex couples as it has in relation to opposite sex couples under English law.	<ul style="list-style-type: none"> <li>• Pensions</li> <li>• Childcare</li> <li>• Flexible working</li> <li>• Adoption leave</li> </ul>	Further guidance can be sought from: Solent HR Team
9 <b>Pregnancy and Maternity</b>	Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In non-work context, protection against maternity discrimination is for 26 weeks after giving birth.	<ul style="list-style-type: none"> <li>• Employment rights during pregnancy and post pregnancy</li> <li>• Treating a woman unfavourably because she is breastfeeding</li> <li>• Childcare responsibilities</li> <li>• Flexibility</li> </ul>	Further guidance can be sought from: Solent HR team

**APPENDIX 5 - Retiring from the Trust – employee’s overview of process (please refer to the Retirement Policy for further details)**

Application to retire must be made to your manager at least 4 months prior to leaving date



Contact SBS Pensions Team on 0303 123 1144 to request an NHS Pension Application Form (AW8) at least 4 months before retirement



Complete AW8 form (Sections 7-15) and ask your manager to take a copy of original ID and sign each copy to say that they verify that they have seen the original

Ensure you have had the form witnessed by a separate unrelated person and signed on the same day as you sign it.  
You then need to ensure on page 1 of the form you have added your name and the date of your last day of employment.



Return AW8 form and verified ID back to SBS Pensions Team who will complete Sections 1-6 and will notify the Pensions Agency that you are taking your pension



Once your Notification to Retire is completed and approved your manager sends the form to [PeopleServicesHub@solent.nhs.uk](mailto:PeopleServicesHub@solent.nhs.uk)  
Your manager will terminate you in ESR via Manager Self Service



You will be issued with a P45 from SBS payroll along with your final payslip  
All outstanding leave must be taken before you leave the Trust

## **APPENDIX 6 - Retire and Return –summary of process**

### **Retire and Return Summary of Process (please read in conjunction with the Trust's Retirement Policy)**

#### **Changes to the Retirement Policy During COVID-19 Pandemic Impact on Retire and Return to work in the NHS**

As part of the government's response to the COVID-19 outbreak, legislation has been announced in respect of the rules around staff who retire and return to work in the NHS.

These measures will allow skilled and experienced staff who have recently retired from the NHS to return to work, and they will also allow retired staff who have already returned to work to increase their commitments if required, without having their pension benefits suspended. This will provide valuable capacity to the NHS should it be needed to allow NHS staff to come back to work and tackle the outbreak.

Under the new legislation the government will temporarily suspend from 17<sup>th</sup> March 2020

- the 16-hour rule which currently prevents staff who return to work after retirement from the 1995 NHS Pension Scheme from working more than 16 hours per week in the first four weeks after retirement.
- It will also suspend abatement for special class status holders in the 1995 Scheme as well as
- the requirement for staff in the 2008 Section and 2015 NHS Pension Scheme to reduce their pensionable pay by 10% if they elect to 'draw down' a portion of their benefits and continue working

In addition during the COVID-19 outbreak the Trust will relax its policy on the 14 day break in service rule for flexi retirements. However, the employee who is returning to work after retiring must have at least a minimum of a 24 hour break in service.

Please note that the above changes have not been incorporated into the following flowchart

Application to retire and return must be made to your manager at least 4 months prior to leaving date  
If returning on the bank you will need to complete a Back to Bank Application form - it will be the bank staffing service who will confirm they can accommodate the return to work)



Contact SBS Pensions Team on 0303 123 1144 to request an NHS Pension Application Form (AW8) at least 4 months before retirement



Complete AW8 form (Sections 7-15) and ask your manager to take a copy of original ID and sign each copy to say that they verify that they have seen the original  
You then need to ensure on page 1 of the form you have added your name and the date of last day of your employment.

Return AW8 form and verified ID back to SBS Pensions Team to process Sections 1-6



Manager sends approved notification to retire and return form to [Peopleserviceshub@solent.nhs.uk](mailto:Peopleserviceshub@solent.nhs.uk)  
NB minimum of 14 day unpaid break between retirement and re-engagement and if in 1995 scheme cannot work more than 16 hours a week in the first calendar month after leaving the Trust



If you are returning to the Solent Bank your manager must terminate you in ESR via Manager Self service and indicate in the comments box that you are returning to Bank - reason for leaving is Flexi Retirement



People Services will terminate your current assignment in ESR if you are returning on a substantive contract and set up a brand new assignment number and issue a new contract of employment.  
All outstanding leave must be taken before you leave the Trust as it cannot be transferred to the new assignment.  
You should ensure you have notified the HMRC that you will be taking your pension but returning to work to ensure you are going to be paid the correct rate of tax



NHS Pensions will issue a Confirmation of Re employment form – this must be signed by you and sent to People Services team to complete which will enable NHS Pensions to process your monthly pension payment