

# POLICE STAFF RETIREMENT POLICY

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**NORFOLK**  
CONSTABULARY



**SUFFOLK**  
CONSTABULARY

## RETIREMENT (POLICE STAFF)

**Owning Department:** Human Resources

**Department SPOC:** HR Policy Manager

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## Legal Basis

### Legislation specific to the subject of this policy document:

- The Employment Rights Act 1996
- The Local Government Pension Scheme Regulations 2013

### Other relevant legislation which you must check this document against (required by law)

- Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
- Equality Act 2010
- Health and Safety at Work etc. Act 1974 and associated Regulations
- General Data Protection Regulation (GDPR) and Data Protection Act 2018
- Freedom Of Information Act 2000

### Other Related Documents

- Norfolk Constabulary LGPS Discretionary Policy Statement
- Suffolk Constabulary LGPS Discretionary Policy Statement
- Change Management Policy

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## **1. Statement of Policy**

- 1.1 This policy sets out the retirement procedure for police staff, and the Constabularies' provisions for flexible retirement and ill health retirement for Local Government Pension Scheme members.
- 1.2 Norfolk and Suffolk Constabularies ("the Constabularies") are committed to ensuring this policy complies with relevant legislation and general principles of fairness and that consultation has been undertaken with all relevant staff groups.
- 1.3 Unless we have expressly stated that a policy is contractual, all our policies and procedures are non-contractual. We may update our policies at any time following consultation with UNISON as applicable.
- 1.4 All our policies are intended to promote equality, eliminate unlawful discrimination and actively promote good relations regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, economic or family status. Managers have a specific responsibility to ensure the fair application of this policy and all officers and staff are responsible for supporting colleagues and ensuring its success.
- 1.5 The Constabularies will review this policy periodically to ensure that it reflects appropriate standards, continues to meet our needs, and reflects any changes in legislation or the Local Government Pension Scheme regulations.
- 1.6 The People Director has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. Day-to-day responsibility for operating the policy and ensuring its maintenance and review has been delegated to the Head of HR Delivery.

## **2. Applicability**

- 2.1 This policy applies to all police staff. The sections of the policy that refer to the Local Government Pension Scheme (LGPS) and associated provisions and benefits apply only to those who contribute to the LGPS or have transferred in pension rights to the LGPS.
- 2.2 For information on police officer retirement please see the Police Officer Retirement Policy.

## **3. Local Government Pension Scheme**

- 3.1 The Local Government Pension Scheme (LGPS) is a national scheme which is administered locally. Anyone under age 75 whose employment contract is for three months or more, will be brought into the pension scheme when they commence employment with one of the Constabularies. If a contract is for less than three months, individuals can opt to join by completing an application form. Individuals should contact the LGPS Pension Fund for an application form if they wish to join. Anyone who is brought into the scheme has the right to opt out. Individuals cannot opt out

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until they have joined. For full information about the LGPS including automatic enrolment, opting-in and opting-out, please visit the website [www.lgpsmember.org](http://www.lgpsmember.org).

3.2 The local LGPS Pension Fund administrators are:

#### Norfolk

- Norfolk Pension Fund, administered by Norfolk County Council  
[www.norfolkpensionfund.org](http://www.norfolkpensionfund.org)  
[pensions@norfolk.gov.uk](mailto:pensions@norfolk.gov.uk)

#### Suffolk:

- Suffolk Pension Fund, administered by Suffolk County Council  
[www.suffolkpensionfund.org](http://www.suffolkpensionfund.org)  
[pensions@suffolk.gov.uk](mailto:pensions@suffolk.gov.uk)

3.3 There are a number of matters in the LGPS where the Police and Crime Commissioners and the Chief Constables can exercise a discretion. Full details of these discretions are contained in the following policy statements which are published on the intranet.

- Norfolk PCC and CC LGPS Discretions Policy Statement
- Suffolk PCC and CC LGPS Discretions Policy Statement

## 4. Retirement and Normal Pension Age

4.1 The Normal Pension Age under LGPS is the age from which an individual can retire and receive their pension in full. An individual's Normal Pension Age in the LGPS is the same as their State Pension Age but with a minimum of age 65. Individuals can check their Normal Pension Age for the LGPS by looking up their current State Pension Age at <http://www.gov.uk/calculate-state-pension>.

4.2 There is no compulsory retirement age for police staff. Individuals can choose to retire anytime from their 55<sup>th</sup> birthday without approval, however the timing of the retirement will affect the individual's LGPS payment. Individuals who choose to retire and receive their LGPS benefits before their Normal Retirement Age, will normally have it reduced as it is being paid earlier. Individuals who choose to retire and receive their pension after their Normal Pension Age will not normally have it reduced. A pension estimate can be obtained from the Pension Fund Administrator (see 3.2 above for contact details) which will show the reductions that apply so individuals can make an informed decision about whether to retire.

4.3 There are some scenarios where discretion can be used to grant early payment of LGPS benefits without reductions on compassionate grounds. Please see the Discretions Policy Statements (as per 3.3) for information.

4.4 The maximum age individuals can continue to be a member of the LGPS is two days before their 75th birthday. From this date, individuals who

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continue working will automatically be paid their pension and removed from the scheme.

4.5 The Constabularies will not make generalised assumptions that performance will decline with age, whether due to competence or health issues. If there are concerns with your performance or you experience ill health, this will be dealt with in the usual way, through the Capability (Performance and Attendance) Policy which is available on the intranet.

4.6 The Constabularies will not:

- assume that you want to retire just because you are approaching a certain age, such as State Pension Age; or
- make discriminatory comments, suggesting that you should retire due to age.

## **5. Giving Notice of Retirement**

5.1 Anyone considering retirement can request an estimate of their LGPS benefits from the Pension Fund Administrator up to three months before their possible retirement date. If an individual indicates their intention to retire at some future date to their line manager, this will not be contractually binding, and until they have given written notice, they may change their mind about their retirement date. An individual's employment or promotion prospects will not be prejudiced because they have expressed an interest in retiring.

5.2 Individuals are required to give written notice to their line manager of the date they intend to retire in line with the contractual notice period set out in their employment contract.

5.3 As there is no compulsory retirement age, there is no process to request to stay on past age 65. Unless a member of staff submits notice of their retirement in line with paragraph 5.2, their employment will continue beyond age 65.

5.4 Upon receiving notice of an individual's retirement, the line manager must submit an Enact Leavers Form to notify People Customer Services (PCS), who will then undertake the necessary process checks and arrangements for the retirement, including notification to the Pension Fund administrators.

5.5 For staff retiring with a minimum of ten years' service, PCS will also notify the relevant Force Executive, who will arrange the production of a retirement certificate, to be presented by the Chief Constable.

5.6 Once written notice of retirement has been given, it cannot be withdrawn unless the employing Constabulary agrees. Anyone who wishes to withdraw a notice must put their request in writing to their line manager and Head of Department.

5.7 The Head of Department will consider the request and make a recommendation to the Head of HR Delivery. The Head of HR Delivery will

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then consider the overall organisational benefit and make a decision based upon the merits of the case.

## 6. Retiring whilst under investigation – Police Barred List and Advisory List Regulations

- 6.1 The [Police Barred List and Police Advisory List Regulations 2017](#) are applicable to both officers and police staff who are under investigation for misconduct or gross misconduct. The College of Policing has responsibility for holding and maintaining these lists.
- 6.2 Staff can retire whilst under investigation however, investigations and disciplinary proceedings may continue to be undertaken post retirement. Each case will be reviewed on an individual basis by the People Director who will advise the line manager on whether to continue with disciplinary proceedings.
- 6.3 If a case is deemed serious enough to continue post-retirement the individual will be placed on the Advisory List until the proceedings are concluded. The Advisory List acts as a safeguard to any potential future employers (in policing and law enforcement) where proceedings are yet to be concluded. If the proceedings result in a finding of “would have been dismissed”, the individual will be reported to the College of Policing for inclusion on the Barred List. Those included on the Barred List are not permitted to work in policing or law enforcement roles for the duration of their inclusion on the list.
- 6.4 Should the case be deemed not serious enough to be continued post-retirement, the individual will be informed in writing and will not be placed on either list.

## 7. Redundancy and efficiency of service

- 7.1 Staff who are aged 55 or over with a minimum of two years’ membership in the LGPS and are made redundant or retired in the interests of efficiency of the service, will have their accrued LGPS benefits paid immediately on leaving without any early retirement reductions. The additional cost associated with this will be borne by the Constabularies. Please see the Change Management Policy for information.

## 8. Flexible Retirement

- 8.1 Flexible retirement enables staff who are aged 55 or over and members of the LGPS to request early release of all or part of their accrued pension benefits whilst continuing to work, either on reduced hours or in a lower graded role.
- 8.2 The Constabularies support flexible working and by adopting the flexible retirement provision within the LGPS this will help retain expertise and knowledge and a balanced age profile within the workforce.

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- 8.3 The individual's age and length of membership in the LGPS will determine the benefit to them of taking their pension early under the flexible retirement provision.
- 8.4 The flexible retirement provision is concessionary, and all requests require the agreement of the Constabularies. When making a decision about a request for flexible retirement, economic factors such as business needs, efficiency and any additional pension cost to the Constabularies will be considered. Additionally, other factors such as the health, welfare and work-life balance of the individual and the training requirements of the job including succession planning will be considered.
- 8.5 The Constabularies' policy is that flexible retirement may be granted where there is:
- a permanent<sup>1</sup> reduction in working hours of a minimum of 20%, and/or
  - a reduction in grade following restructure of duties of the existing role or appointment to another role<sup>2</sup>.
- 8.6 All requests and applications must be discussed with the individual's line manager and the Head of Department/Area Commander (or Assistant Chief Officer if the application is from a Head of Department) who will give initial consideration. It should be noted that the support of an individual's line manager does not guarantee that the flexible retirement request will be approved.
- 8.7 The Head of HR Delivery will make the final decision on the application, unless there is a cost to the Constabularies, in which case the Head of HR Delivery will refer to the Assistant Chief Officer for a decision. Flexible retirement requests will not normally be agreed if there is any financial impact on the Constabularies.

### Application Process

- 8.8 Individuals are encouraged to speak to their line manager or HR Advisor (anyone unsure of who to speak to, should contact PCS who can refer them to the relevant HR Advisor) if they are interested in flexible retirement before submitting a formal request.
- 8.9 Formal requests should be submitted on the Flexible Retirement Application Form at least three months prior to the intended start date.

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<sup>1</sup> The change in hours or grade should be permanent. However, an increase in hours that are agreed following your application may be considered at a future date if exceptional circumstances apply

<sup>2</sup> An individual who qualifies for pay protection will not be able to apply for flexible retirement until such time as the pay protection ends. The Constabularies may consider a request for flexible retirement in lieu of pay protection should this be a request by the individual. Individuals who wish to discuss this option further, should speak to their HR Advisor.

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Flexible retirement must start at the same time as the individual's salary reduces and retrospective applications cannot be considered.

- 8.10 Line managers should meet with staff who express an interest in flexible retirement in order to discuss it, explain the policy and offer advice on the completion of the application form. The line manager should give initial consideration to the request, taking account of expected benefits to the individual and the Constabularies, as applicable. The Head of Department should set out any savings to be achieved, should the request be granted, and provide details of how work will be reallocated within the team or department. The line manager may seek advice from their HR Advisor at any stage of the process.
- 8.11 Upon notification or receipt of a flexible retirement application, the HR Advisor will request (via Payroll) a flexible retirement estimate of benefits for the individual (if not already obtained) and any costs to the Constabularies arising from the early release of benefits.
- 8.12 The Head of Department should forward a completed application to the Senior HR Manager who will make the final decision on the request. If the Command Area/Department is unable to accommodate the individual's request, the Senior HR Manager can make a decision in principle whether flexible retirement will be granted based on the individual seeking a lower graded post or reduction in hours in another area of the Constabularies. Each case will be considered on its merits and in line with the current financial position.
- 8.13 The HR Advisor will confirm the decision on the application to the individual, their line manager and the Head of Department. Agreed applications will be processed as quickly as possible and the individual will receive written confirmation by PCS with a revised contract of employment/notice of contractual change, as appropriate.
- 8.14 Anyone who is granted flexible retirement may elect to fully retire when they choose to do so and can access any further accrued LGPS benefits at the date of their full retirement. Individuals who do not want to continue making pension contributions must formally opt out of the LGPS within three months of their flexible retirement date.

### Appeal Process

- 8.15 Staff can appeal in writing against a decision not to grant flexible retirement by writing to the Head of HR Delivery within seven calendar days (where possible) of the date of notification. Appeals can be made on the following grounds:
  - the business reason(s) for rejecting the request have not been sufficiently explained.
  - a fact in the explanation or the business reason(s) is incorrect.
  - the process has not been followed properly.

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8.16 The appeals officer will be the relevant chief officer who has not been involved in the original decision of the application. The appeal outcome will be notified to the individual within ten working days of it being considered by the appeals officer. The appeal decision is final.

### Future Requests

8.17 If your request for flexible retirement has not been granted, you are not able to submit a further request within 12 months of the original decision date.

8.18 Once you have had a flexible retirement request granted, you are not able to submit any further flexible retirement request relating to any further accrued pension rights unless exceptional circumstances apply.

## 9. Ill Health Retirement

9.1 The LGPS offers protection to members who become too ill to work. Anyone who is unable to continue to work due to ill health may be paid their LGPS benefits straight away. Ill health benefits can be paid at any age. The Constabularies will obtain the opinion of an independent registered medical practitioner, nominated by them. Individuals must have the minimum two years' vesting period in the LGPS to be eligible to receive an ill health pension.

9.2 The People Director will make a decision on whether ill health retirement is to be granted after seeking the opinion of an independent registered medical practitioner (IRMP) appointed by the Constabularies, arranged through Workplace Health, and is satisfied that the individual meets one of the ill health pension benefit tiers below.

- **Tier 1** – No prospect of gainful employment either in short term or before normal pension age.

The pension will be based on the individual's current membership plus an enhancement to replace what they would have built up to their normal pension age, if they had stayed in the pension scheme until then.

- **Tier 2** – No prospect of gainful employment in the short term but prospect of gainful employment before normal pension age.

The pension payable will be based on the individual's current membership plus 25% of the enhancement to replace what they would have built up to their normal pension age, as if they had stayed in the pension scheme until then.

- **Tier 3** – Prospect of gainful employment within three years of leaving.

The pension payable will be based on the individual's current membership only. If an individual works part-time, any additional membership awarded as a result of ill-health retirement will be reduced to reflect the number of part time hours the individual works at the point of leaving the Constabularies, disregarding any reduction in hours which are directly related to the ill-health condition that resulted in their retirement.

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- 9.3 Referral for consideration of Ill-Health Retirement may be instigated by the line manager in liaison with their HR Advisor.
- 9.4 The Force Medical Advisor (FMA) will firstly be asked for their opinion of the individual's suitability for referral to IRMP. The individual's written consent may be required for their medical records/specialist reports, to be released by their GP.
- 9.5 Once the FMA has reviewed the case and provided their opinion, the case will then be referred to the IRMP for their consideration. The individual may be required to attend a medical appointment with the IRMP during this process.
- 9.6 The People Director is responsible for making the decision on the permanency of the illness and which benefit tier criteria is satisfied, considering the opinion detailed in the IRMP's report and in line with the LGPS Regulations.
- 9.7 The decision will be confirmed to the individual in writing, normally within 14 days of receiving the IRMP's report. The individual will be notified of the outcome by their line manager supported by an HR Advisor.
- 9.8 The LGPS Pension Fund Administrator will be notified by PCS that the staff member's employment has been terminated and will provide them with an Ill-Health Retirement Certificate, so that their pension can be released.
- 9.9 An individual can appeal against the decision to retain their services or against the level of the pension tier awarded. If an individual wishes to appeal, they should submit their appeal in writing to the DCC as detailed in their written confirmation, confirming the decision and within 14 days of receiving this.
- 9.10 Individuals must notify the HR Delivery department if they find any employment after they have been medically retired, providing details of their pay and working hours and the nature of their employment. Individuals in receipt of a pension who do not inform of a change in their employment status, will have any overpayment of pension recovered, if it is determined that they have undertaken gainful employment.

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