Procedure for considering requests to work beyond the Employer Justified Retirement Age (EJRA)

I. Introduction

1. Council has adopted the following procedure for considering requests from academic and academic-related staff who are due to retire on or after reaching the EJRA but who wish to extend their employment and are not precluded from so doing under the terms of any individual agreement.

II. Procedure to request to work beyond the EJRA

Informing staff of the EJRA and the process for requesting an extension

2. The head of division or equivalent\(^1\) will remind academic staff in writing of their normal retirement date and of the process for requesting continuation in employment beyond that date no later than two years before their retirement date under the EJRA. In the case of joint appointments, this notification will be copied to the relevant college(s). Where they judge it necessary, divisions may decide to give earlier notification.

- For academic staff due to reach EJRA after 1 October 2013 use Pro forma letter ML1.
- For academic staff with an individually agreed retirement date after 1 October 2013 use Pro forma letter ML7.
- For academic staff due to reach the end of an extension agreed under the EJRA procedure use Pro forma letter ML9.

3. The head of department or equivalent will remind academic-related staff in writing of their normal retirement date and of the process for requesting continuation in employment beyond that date no later than two years before their retirement date under the EJRA.

- For academic-related staff due to reach EJRA after 1 October 2013 use Pro forma letter ML2.
- For academic-related staff with an individually agreed retirement date after 1 October 2013 use Pro forma letter ML8.
- For academic-related staff due to reach the end of an extension agreed under the EJRA procedure use Pro forma letter ML10.

4. Staff who are due to retire at or beyond the EJRA within the first two years after the introduction of these procedures will be notified in writing by the department or division as appropriate at the earliest opportunity of their normal retirement date and of the process for requesting continuation in employment beyond that date. Staff receiving notification under this clause will be asked to pursue any application to continue working beyond the EJRA at their earliest convenience, and the deadline for applications specified in clause 9 below will be adjusted accordingly.

- For academic staff due to reach EJRA before 1 October 2013 use Pro forma letter ML3.

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\(^1\) Equivalents include, for example, the Registrar in relation to appointment within UAS, or the Pro-Vice-Chancellor (Research, ASUC) for departments within ASUC.
For academic staff with an individually agreed retirement date (e.g. DRA extension) before 1 October 2013 and who are beyond the EJRA use **Pro forma letter ML5**.

For academic-related staff due to reach EJRA before 1 October 2013 use **Pro forma letter ML4**.

For academic-related staff with an individually agreed retirement date (e.g. DRA extension) before 1 October 2013 and who are beyond the EJRA use **Pro forma letter ML6**.

**Requesting to work beyond the EJRA**

5. Any staff member who wishes to continue in employment beyond the EJRA should first discuss his/her situation informally and in good time with his/her head of department or equivalent. An academic member of staff might also wish to have an informal discussion with his/her head of division. Holders of joint appointments should also consult their colleges (normally the Senior Tutor). Similarly, where an honorary contract is held with another body, such as an NHS trust, that other body should also be consulted.

6. Early exploration of all options is encouraged. In the case of joint appointments, it is possible that the staff member may wish to continue working in only one part of the joint appointment, or one employer might wish to agree continued employment while the other does not. Flexibility in the continuation or variation of contracts should be encouraged, subject to the aims of the EJRA. In this context, a staff member wishing to continue to work might wish to consider a variation or a new contract issued by one employer that would be compatible with retirement from the other part(s) of the joint employment. In such cases, the employers will wish to discuss how their respective interests in the future of the substantive joint appointment should be protected. Such discussions, which could involve consideration of interim arrangements for the joint appointment, will be facilitated if agreement can be reached as to when the two parts of the joint appointment will fall vacant.

7. These informal discussions, which may take place at any time, will not result in a definitive decision by the department or college but may help inform any formal request which might subsequently be made by the individual. Such discussions are intended to provide opportunity for the formulation of a request with which all parties will be content.

8. Any request to continue working for the University beyond the EJRA in a university appointment or a joint university and college appointment should be submitted formally (on behalf of the member of staff) in writing, following consultation with all interested parties, by the head of division or equivalent to the Director of Personnel and Related Services. In addition, any request relating to the college part of a joint appointment should be made to the relevant college according to its procedures. The submission should set out clearly: (i) the request as made by the member of staff, including the proposed working arrangements and the length of extension requested; (ii) an account, agreed where possible, of how the request relates to the considerations for extensions set out in section VI below; (iii) the view of the division; and (iv), in the case of joint appointments, the views of the college and any other associated employers (e.g. the NHS), including, in particular, comment on any special arrangement which would result in the parts of the joint appointment being treated differently. The member of staff should be invited to append to the submission any supporting material he or she may consider appropriate.
9. The normal deadline for such requests to reach the Director of Personnel and Related Services is 18 months before the retirement date for academic staff and 9 months for academic-related staff. Later requests may be considered in exceptional circumstances but only with the agreement of the relevant employers (e.g. division, department, college, NHS Trust). A delayed deadline will be given in cases where, within the first two years after the introduction of these procedures, it is not possible to give a full two years’ notification of retirement.

III. Procedure to consider requests to work beyond the EJRA

The Panel

10. All requests to continue working beyond the EJRA will be considered by a panel appointed by the Personnel Committee. The panel will assess each request on its own merits in the context of the aims of the EJRA and in the light of any exceptional personal circumstances.

11. The composition of the panel will be as follows:

Chair: the Pro-Vice-Chancellor (Personnel and Equality) or his/her nominee (normally the Vice-Chair of the Personnel Committee);

and

two members, who shall be members of the Personnel Committee (or others with recent experience as members of that committee).

For consideration of requests relating to academic staff, the two panel members shall hold academic appointments in divisions other than that of the person whose extension in employment is under consideration, and the composition of the panel will take account of the nature of the academic appointment held.

A member of Personnel Services will service the panel.

12. In the case of the consideration of requests involving both parts of a joint appointment, the chair of the panel will liaise with the chair of the equivalent college body over matters of process, including the relative timings of the work of the two panels and the communication between the panels of their decisions, as may best suit the individual case and allow for issues relating to the joint nature of the post to addressed.

13. The panel will consider the request in the light of the considerations set out in section VI below, taking due account of the views of the individual staff member, the division, department, college, and NHS Trust, as appropriate. The panel will seek any clarification it deems necessary.

14. Where all parties representing the employers agree that an extension is appropriate, the expectation is that the panel will grant an extension after having satisfied itself that the aims of the EJRA have been sufficiently addressed.
15. Where the parties representing the employers do not support the request for an extension, or where there is a difference of views between these parties, the panel will invite the staff member to a meeting to make his/her request for an extension in person, if he/she so chooses. The division, department and college, as appropriate, will also be able to present their case(s). Relevant documentation will be provided to all the parties in advance of the date of any meeting of the panel arranged to address the request. The staff member will have the right to be accompanied by a trade union representative or a colleague from within the University.

16. The panel will decide on the request for extension of employment including the length of time of any such extension. The decision of the panel shall have effect in respect of employment with the University, and the division/department shall act accordingly. In the case of joint appointments, the college will make its decision according to its own regulations and procedures.

IV. Communicating the decision

17. The panel will inform the individual, the division, the department, and the college of its decision in writing. The letter will give brief reasons for the decision and the length of any extension granted.

- For approval of a request use Pro forma letter ML12.

18. Where the request to continue working beyond the EJRA is rejected, the individual will be notified in writing of the right of appeal.

- For rejection of a request use Pro forma letter ML13.

19. Where a decision is taken to extend employment under these procedures beyond the EJRA, the employee will be issued with a fixed-term contract, to terminate at the date set by the EJRA panel in agreeing to the extension. This contract will state the details of the specific hours, duties, salary and other terms and conditions for the extension. On any occasion when the panel shall agree an extension to the period of employment in accordance with this procedure, it shall decide whether to permit any further application to made under this procedure. If so, it shall decide whether any further notification is necessary equivalent to that set out at II (2) and (3) and set an appropriate time limit in place of that set out at II (9) by which any application shall be made for a further extension.

V. Appeal

20. Any appeal against the decision of the panel must be notified in writing by the staff member to the Registrar within 28 days of receipt of the letter confirming the panel’s decision, in accordance with Statute XII, Part H, §§.41-2.

21. An appeal may be made against the refusal of a request or against the terms of approval where they differ from those requested by the staff member.

22. The letter of appeal should set out clearly the grounds for the appeal.

23. The appeal will be heard in accordance with the provisions of Statute XII, Part H.
VI. Consideration of requests to work beyond the EJRA

24. All requests to continue working beyond the EJRA submitted in accordance with section II above will be considered in the context of the aims of the University in maintaining the EJRA as set out in the Aim of the EJRA. Applications will be approved only where, having taken account of the considerations set out below, the panel is convinced that any detriment to the furtherance of aims of the EJRA is offset by a balance of advantage arising from an extension of employment. The relevance of each consideration will depend on the post in question. The panel will weigh the advantages of continued employment (whether in the same post, or in only one part of a previous appointment, or on different terms and conditions, or on a part-time basis following partial retirement to pension) against the opportunities arising from creating a vacancy or part-vacancy including the intention of recruiting someone else, using the vacancy for a different purpose, or leaving the post vacant for a period (whichever may apply).

- Is the individual, if extended in employment, expected to make an exceptional contribution to the collegiate University, for example through distinguished scholarship, and would the loss of this contribution be unacceptable to the collegiate University?

- Would the employee's contribution be unusually hard to replace given his or her particular skills set and/or the employment market? For example, does the department or division need, for a defined period, to retain expertise in order to complete a specific project, or to retain skills that are currently in short supply?

- How would continued employment compared with the opportunity arising from a vacancy fit with the future academic and business needs of the department or division over the proposed period (for example, where there is a desire to develop a new field of research or a new course, or to develop new business systems or approaches)?

- What is the likely impact of continued employment compared with the opportunity arising from a vacancy on the quality of work of the department or division, for example on its ability to respond to student needs, to meet research aims, or to provide professional and administrative services of the highest quality?

- How would any financial commitments or benefits which would accrue from continued employment over the period proposed compare with those which might accrue from the opportunity arising from a vacancy?

- What is the likely impact of continued employment compared with the opportunity arising from a vacancy on opportunities for career development and succession planning, bearing in mind recent and expected turnover?

- What is the likely impact on the promotion of diversity?

- Is the duration of the proposed extension of employment appropriate in terms of the benefits expected to the collegiate University?

- In the case of a joint appointment, what are the implications of the wishes of the applicant for the joint nature of the post: for example, where the request involves only one part of a joint appointment, has some suitable means been found of managing the future of the joint appointment so as to protect the shared educational interests of the University and colleges?
- In the case of clinical academics is the NHS Trust concerned willing to renew the employee's honorary contract? The holding of an honorary contract is prerequisite for continuation in a clinical post.

- Are there relevant personal circumstances that would properly justify exceptional treatment?

VII. Requests for further extended employment from staff with a retirement date later than the EJRA

25. Unless the terms of any prior agreement to work beyond the EJRA preclude any further extension of employment, a member of academic or academic-related staff whose retirement has been set later than the EJRA may apply for a further extension under the procedures in Sections II-VI above.