



## **Brasenose College Policy Employer Justified Retirement Age (for academic employees)**

**Originally approved by Governing Body on 7<sup>th</sup> March 2012.**

**Revised October 2017**

### **Part One – Background, rationale and scope of the Employer Justified Retirement Age (EJRA)**

#### **1. Introduction**

Brasenose College wishes to maintain a retirement age for Academic employees, primarily to support the college's mission to sustain excellence in teaching and research and to maintain and develop its historical position as part of a world-class university.

The Employer Justified Retirement Age (EJRA) adopted by Brasenose aims to provide a fair and inclusive process through which the College is able to manage the future of academic posts by retirement or retention. The procedures seek to balance the wishes of the individual with the needs of College by

- a. facilitating the timely discussion of options with a view to identifying possible future arrangements which are acceptable to all parties and
- b. providing a clear decision-making and appeal process which allows account to be taken of all relevant considerations.

#### **2 Aims of the EJRA**

The EJRA and its associated procedures are considered to provide a proportionate means of:

- safeguarding the high standards of Brasenose in teaching and research ;
- promoting inter-generational fairness and maintaining opportunities for career progression for those at particular stages of a career, given the importance of having available opportunities for progression across the generations
- to refresh the academic and research workforce within the college and to enable them to maintain the collegiate university's position on the international stage;
- facilitating succession planning by maintaining predictable retirement dates, especially in relation to the collegiate University's joint appointment system,
- promoting equality and diversity, noting that recent recruits are more diverse than the composition of the existing workforce, especially amongst the older age groups of the existing workforce;
- Facilitating succession planning by maintaining a predictable retirement date to manage the need to make efficiencies by retiring staff at the EJRA; and

### **3. Scope**

Brasenose College has established an EJRA of 30<sup>th</sup> September preceding the 69<sup>th</sup> birthday for members of the academic staff who have a vested right as specified by statute.

The EJRA applies to all members of academic staff employed by Brasenose. Academic staff are defined as those employees to whom Statute XVI applies.

The University of Oxford expects to review its EJRA in 2021/2021. Brasenose College will review its EJRA at the same time and will continue to report EJRA cases annually to Governing Body in the meantime.

Unless the terms of any prior agreement to work beyond the EJRA preclude any further extension of employment, a member of academic staff whose retirement has been set later than the EJRA may apply for a further extension under the procedures set out below.

No provision associated with the EJRA shall affect the right of any employee of the college to retire at a date earlier than that specified under the EJRA, or the benefits to which they are entitled under the relevant pension scheme.

The procedure set out in part two is intended for the consideration of all requests to continue working beyond the EJRA, including those that entail a modification of duties or working pattern after that date.

### **4. Consideration of requests to work beyond the ERJA**

All requests to continue working beyond the EJRA will be considered in the context of the aims of College in maintaining the EJRA as set out in section 2 above. Applications will be approved only where, having taken account of the considerations set out below, the Governing Body, having received advice from the Personnel Committee, 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 College panel, and subsequently Governing Body of Brasenose College as decision-maker, 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).

The College panel may take the following into consideration:

- Would the employee's contribution be very hard to replace given his or her particular skills set and/or the employment market? For example, does College 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, to teach a particular subject(s)?
- How would continued employment, compared with the opportunity arising from a vacancy, fit with the future academic and business needs of the college over the proposed period.

- What is the likely impact of continued employment compared with the opportunity arising from a vacancy on the quality of work of College, for example on its ability to respond to student needs, or to meet research aims?
- How would any financial commitments or benefits, which would accrue from a 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 accrue to College?
- In the case of a joint appointment, both the University and the College will offer an extension of the employment and block the release of the post, but may offer a fixed term extension of employment, recognising the continuity of service. What are the implications for the joint appointment of offering a new fixed- term post after EJRA?

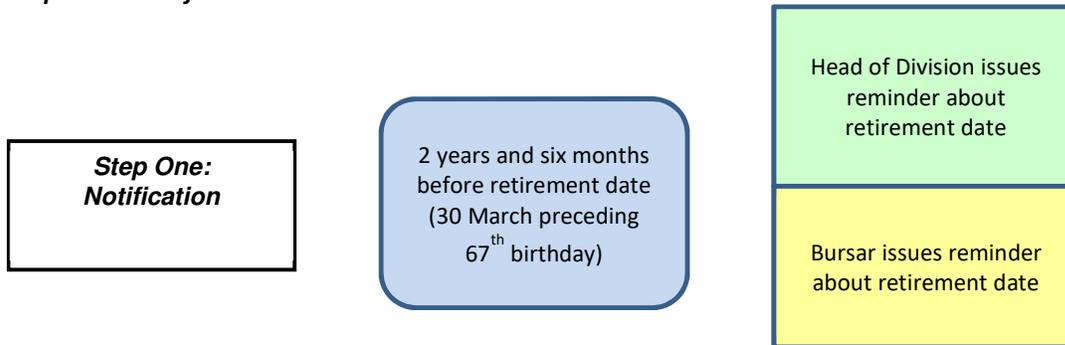
## Part Two - The Process

### (a) Notification and Discussions

*In the sections below references to Division only apply to academic staff on joint appointments.*

Brasenose has adopted the following procedure for considering requests from academic staff on joint appointments 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.

#### Step One – Notification



The Bursar 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 and six months before their retirement date under the EJRA. In the case of joint appointments, this notification will be copied to the relevant head of division, who will also send a letter to the member of staff with reference to their university employment. Where it judges it necessary, Brasenose may decide to give earlier notification.

#### Step Two – Discussions



Any staff member who wishes to continue in employment beyond the EJRA should first discuss his/her situation informally and in good time with the Senior Tutor. Holders of joint appointments should also consult the Head of their department and/or division. Similarly, where a contract of any type is held with another body, such as an NHS trust or another college, that other body should also be consulted.

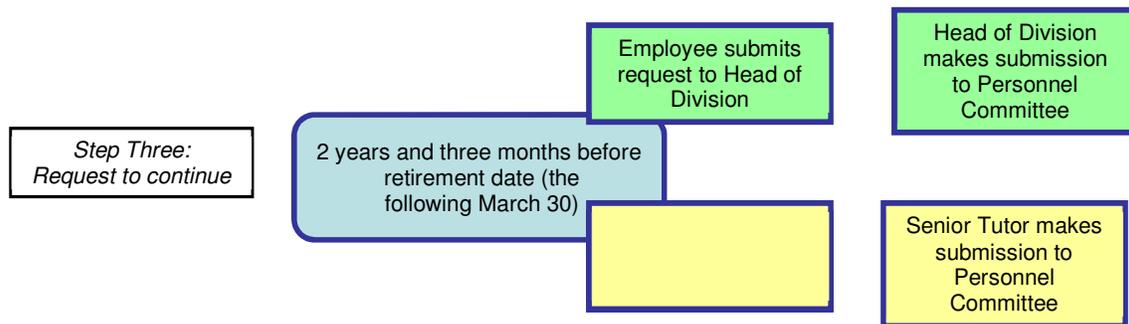
Early exploration of all options is encouraged. In the case of joint appointments, it is possible that the staff member may wish to continue working in only one part of the joint appointment, or one employer might wish to agree continued employment while the other does not. Flexibility in the continuation 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.

These informal discussions, which may take place at any time, will not result in a definitive decision by 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.

**(b) Submission and consideration of the request to continue**

***Step Three – Request to Continue***



If the staff member wishes to continue in employment beyond the EJRA, they should submit their case in writing to the Senior Tutor two years and three months before the EJRA in the particular case, setting out the proposed working arrangements and the length of extension requested.

The request to continue working in a college appointment, beyond the EJRA should be submitted formally to Personnel Committee by the Senior Tutor as part of an individual's agreed submission. Any request relating to the University part of a joint appointment should be made to the Director of Personnel and Related Services, in accordance with the University's procedures. The submission should consist of, and set out clearly:

- a) the request made by the member of staff, including the proposed working arrangements and the length of extension requested;
- b) an account, agreed where possible, of how the request relates to the considerations for extensions set out in the college's policy;
- c) a note from the Senior Tutor setting out relevant academic or other College circumstances and background;
- d) in the case of joint appointments, the views of the division and any other associated employers (e.g. the NHS or another college), including, in particular, comment on any special arrangement which would result in the parts of the joint appointment being treated differently. If, in the case of a joint appointment, a decision has already been made with regard to the university employment, the outcome of this should be included.

The member of staff should be invited to append to the submission any supporting material he or she may consider appropriate.

The normal deadline for such requests to reach the Bursar is two years before the retirement date under EJRA. Later requests may be considered in exceptional circumstances but only with the agreement of the relevant employers (e.g. division, department, 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.

#### **Step Four – Consideration of request**



All requests to continue in employment by College beyond the ERJA, will be considered by a panel drawn from the Personnel Committee or another panel appointed by the Bursar. The Officer responsible for presenting the case for extension to the panel (i.e. the Senior Tutor) will not be involved in the panel.

In the case of the consideration of joint appointments, the chair of the College's Personnel Committee will liaise with the chair of the equivalent University panel 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 be addressed.

The panel will consider the request in the light of the considerations set out in section 4 of the policy above, taking due account of the views of the individual staff member, the college, and any others with an interest, which may include the division, department, another college or an NHS Trust, as appropriate. The panel will seek any clarification it deems necessary.

Where College and, in the case of a joint appointment, all parties representing the employers support the request to continue beyond the EJRA, the expectation is that the panel will approve that request after having satisfied itself that the aims of the EJRA have been sufficiently addressed.

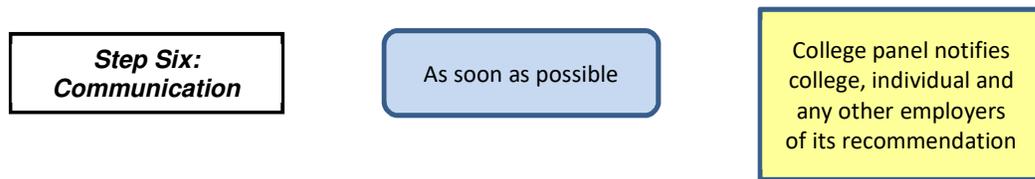
Where College does not support the request for an extension, or, in the case of a joint appointment, where there is a difference of views between the employers, further submissions may be made in writing. It should however be recognised that each part of the joint appointment is a separate contract, and any extensions granted would be a separate fixed- term contract.

#### **Step Five: The panel makes a recommendation**



The panel will make a recommendation to the Governing Body, on the request for extension of employment (in the form of a new fixed- term contract with continuity of service) including the length of time of any such extension (with reasons).

**Step Six : Communication**



The panel will inform the individual and, as relevant, the division, the department, and any other employer, of its recommendation in writing. The letter will give brief reasons for the recommendation and the length of any extension proposed.

**Step Seven: College makes decision**



The Governing Body will then decide whether to accept the panel's recommendation and the Bursar will notify the individual, division and department, as relevant, of its decision.

Where the request to continue working beyond the EJRA is rejected, the individual will be notified in writing of the right of appeal under College statutes and procedures.

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 Governing Body in agreeing to the extension, but with continuity of employment. 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 Governing Body shall agree an extension to the period of employment in accordance with this procedure. If so, it shall decide whether to permit any further application to be made under this procedure. If so, it shall decide whether any further notification is necessary equivalent to that set out in step 1 above and set an appropriate time limit in place of that set out in step 3 above by which any application shall be made for a further extension.

**Step Eight: Appeal**

The College shall make arrangements to hear any appeal against a decision made under step 7. The body or individual hearing the appeal must be separate from the body or individual making the original decision in step 1. The appeal panel shall inform the College, employee and any other employer, as relevant of the decision.

Oct 2017