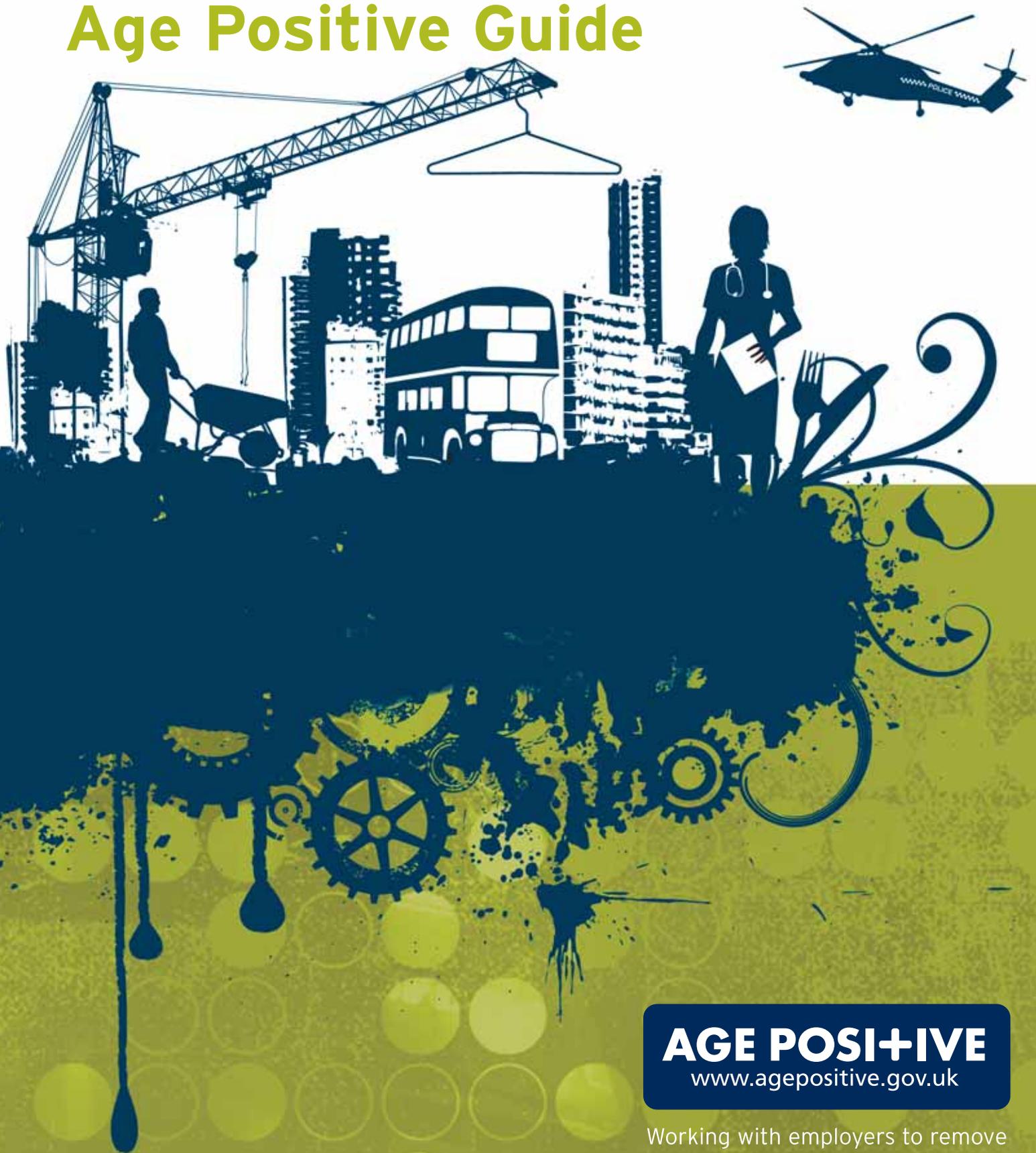


# Flexible Retirement and Retirement: Age Positive Guide



**AGE POSITIVE**  
[www.agepositive.gov.uk](http://www.agepositive.gov.uk)

Working with employers to remove  
age discrimination in employment

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# Introduction

Although employing and retaining an age diverse workforce has real business benefits, it is equally important for organisations to have flexible retirement and retirement policies in place.

This booklet will not provide you with in-depth advice and will not guarantee any level of compliance with age regulations. However, we understand that many small and medium businesses don't have dedicated Human Resources (HR) facilities, so we have developed this booklet to provide some practical information and help for employers of all sizes. It provides examples of how other small, medium and large organisations are managing their ageing workforce.

If you have any specific questions relating to finance, pensions or the new regulations, you will need to talk to a financial or legal adviser or to Advisory, Conciliation and Arbitration Service (ACAS). Other sources of help and information are also included in this booklet on page 13.

## Age Legislation

As an employer, you need to be aware how the new Employment Equality (Age) Regulations 2006 affect retirement and pensions. The law covering retirement was implemented 1 October 2006; pension age regulations came into force 1 December 2006.

The regulations make it unlawful to discriminate against employees, job seekers and trainees on the grounds of age.

The regulations cover workers of all ages and all employers.

They cover all employment and vocational training, including access to help and guidance, recruitment, promotion, development, flexible working, retirement, redundancy, pensions, perks and pay.

## What this means for you

Simply put, the new regulations mean that you need to:

- look at your existing retirement policies and practices and consider if they require change
- consider whether flexible retirement options would be beneficial to your business and your staff and
- check that your pension scheme and any policies, practices or routines you operate are compliant with the new legislation.

Remember, there is no official retirement age in the UK - the new age law introduces a 'default age of 65' but this is not a mandatory retirement age.



# Retirement

## Business benefits of a flexible retirement policy

Losing skilled and experienced workers can be an expensive business, no matter how big or small your organisation. Therefore, forcing people to retire at a certain age does not make good business sense.

Fixing a retirement age can lead to the unnecessary loss of skills and know-how. It therefore goes without saying that taking a flexible approach to retirement can be more beneficial to both the business and the individual employee.

The Chartered Institute for Personnel and Development (CIPD) estimates that it can cost as much as £8,200 to replace each employee - this may be less for unskilled posts or more (up to £12,000) for more senior positions.<sup>1</sup> But whatever the figure, it's costing you money and that isn't a business benefit. It is essential that you keep hold of your experienced workers for as long as possible.

**Domestic & General (the UK's leading specialist provider of domestic appliance repair protection plans) found that age positive recruitment and retention initiatives reduced recruitment costs by 50 per cent.**

If your employees feel they have a part to play, regardless of their age, they will feel more valued and motivated to contribute to the success of the organisation. This has the obvious benefit of **improved productivity**, as well as helping to ensure higher retention rates - which leads to **lower recruitment and retraining costs**.

**BT believe that the success of their flexible policies is evident from the increase in the proportion of staff aged 50+. In the period between 2001 and 2005, it increased from 13 per cent to 25 per cent.**

There are other widely acknowledged business benefits from retaining an age diverse workforce. For example, some organisations have found older workers generally have **better attendance** and **higher levels of commitment** to the company.

**B&Q experienced 39 per cent less short-term absenteeism after employing older workers at one of their locations.**

The experience that older workers bring can also be harnessed to help **train and develop younger workers**.

**A recent Somerfield staff survey showed that 80 per cent of employees over the age of 50 felt strongly committed to the company, compared with 62 per cent overall. Similarly, older workers were more likely than others to say they were proud to work for the company.**

Don't discount implementing flexible working or flexible retirement options because you think they are too difficult or costly. Employers agreed there were some challenges, but the benefits in terms of retention of skills, reduced recruitment costs and the filling of skills-shortage vacancies by opening up a wider pool of recruits, far outweighed the costs of implementing the policy.

**At South Wales Forgemasters (suppliers of forgings to the automotive industry), the process of training younger staff has been improved greatly by involving experienced, mostly older, workers on the company's apprenticeship scheme. Many of these more 'mature' staff have been given formal 'trainer training', allowing them to pass on vital skills and provide practical support to new employees as they learn on the job.**

<sup>1</sup> [www.cipd.co.uk](http://www.cipd.co.uk). Annual Survey Report 2006: Recruitment, Retention and Turnover

There are a wide range of other benefits that many employers are not taking full advantage of. Although we accept everyone is an individual, it is often shown that younger workers tend to be more IT proficient, whereas older workers often bring valuable experience and skills from previous jobs and careers. However, encouraging both old and young staff to work together and share their different skills through support and mentoring can help you retain staff, utilise the diverse range of abilities and generate business benefits for the employer.

**Positive Contact provide customer contact solutions for a range of clients. Their age diverse workforce enables them to offer a variety of different advisor profiles dependent on client needs, ideally mirroring the client customer base. This has led to satisfied customers and repeat business.**

Last, but by no means least, retaining an age diverse workforce can help you meet the demands of a '24/7' work environment and provide a **better service to your customers**, with obvious benefits to your business.

**The Housing Solutions Group is a small employer who believes any employee who wishes to work beyond their usual retirement age of 65 should be able to do so; to them, retirement is not a must at 65. If the individual feels able and is competent to continue they can. In 2006 they had six employees over retirement age and expect this number to increase.**

## **Soha Housing**

### **Who we are**

We are a social housing provider based in South Oxfordshire, responsible for managing 4,700 homes in the area and employing about 90 members of staff.

### **What we do**

Our standard retirement age is 65, in line with the new regulations, but we are happy to consider any requests from members of staff who would like to continue past this age. Our flexible retirement approach involves:

- an open and transparent procedure open to all staff approaching retirement
- a phased retirement period, when retirees work alongside those who are going to be taking over their role
- flexible working options (e.g. flexi time, part-time working) available to all staff, which allows older workers to change their working arrangements in line with business need
- paying for employees who are approaching retirement, as well as their partners, to attend an external pre-retirement training course, which helps them prepare personally and financially for their retirement - all of our staff who have retired in recent years have been on the course and told us it was worthwhile.

### **How it has benefited our business**

- improved customer service - we have been able to maintain a relatively stable workforce, which is very important in providing continuous care for our elderly and vulnerable sheltered home residents
- lower turnover has saved us money, as we don't have to spend so much on recruitment and re-training.

## Top tips and checklists for you to make your retirement policy more age positive

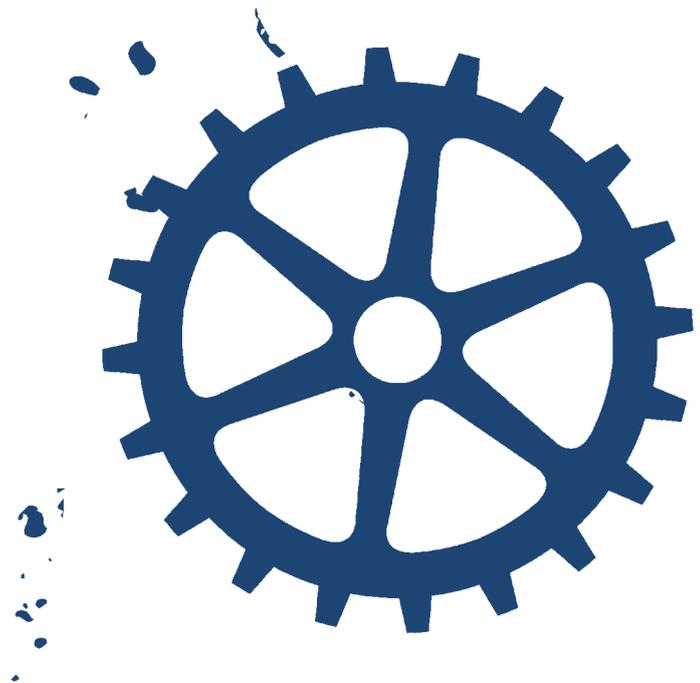
The following checklists have been compiled from the practices adopted by employers who have already reaped the benefits of a flexible approach to retirement<sup>2</sup>. However, employers of all sizes can benefit from their experiences, particularly the retrospective hints and tips about policy development.

### Checklist - Retirement: General good practice

- Companies of all sizes should keep a record of the age profile of their employees in different departments and in different grades or positions. This will help you to identify any areas of concern (e.g. where all employees are nearing retirement or where you need to recruit to fill expanding or critical areas)
- Meet with your staff well in advance of their retirement to discuss when they want to retire or if they would like to work beyond 65
- Consider offering pre-retirement training or support to help employees prepare for the financial and personal changes they will face when they retire
- Plan ahead - make sure there is time for retiring workers to pass on their skills and the benefit of their experience to younger staff
- It may be possible to consider new ways of working to make it easier for staff to move from work into retirement - for example by reducing their hours or taking on a different role (perhaps with less responsibilities)
- If possible, give staff a range of options for staying on past company normal retirement age or default retirement age (65) - consider part-time working, job sharing, short-term contracts or moving staff into a coaching or mentoring role to help develop younger staff

- Keep in touch with retired workers who may want some casual or temporary work - you could use them as consultants or to help cover holidays, staff absence or busy periods
- Base decisions on facts - consider individuals needs and abilities alongside the needs of your business
- Make sure staff understand what their decision about retirement will mean for their pension entitlements
- An equality policy is one of the easiest ways to demonstrate that you take discrimination seriously. Consider including all forms of discrimination and harassment - gender, race, disability, gender reassignment, sexual orientation, religion, as well as age.

ACAS is the nominated agency to provide advice and guidance on age issues - to contact their helpline call 0845 7474747 or go online at [www.acas.org.uk](http://www.acas.org.uk)



<sup>2</sup> Flexible Retirement: A Snapshot of Employer Practices 2006 published by DWP

## Checklist - Flexible Retirement: Good practice tips and techniques for employers

This information is taken from interviews with several large companies who already have flexible retirement policies in place<sup>3</sup>. They were in agreement that developing and implementing a flexible retirement policy took around six months, but that included understanding how the options impacted on the company pension scheme, which was the most time-consuming phase. This should not be an issue for smaller employers.

They all agreed that once the details of the policies were decided and approved, implementation was a relatively quick process.

### First steps

- All employers need to decide which flexible retirement options would compliment their working patterns and could be offered to all staff, for example, these could include part-time, home working, flexitime, temporary or seasonal contracts, compressed hours or jobshare to name a few. Once agreed, a decision should be taken as to whether these should be included as part of your company policy
- Check what arrangements currently exist and which are your employees preferred options. Consider conducting a survey of your employees to find out their ideas and preferences
- Establish if flexible retirement can be aligned with existing work-life balance policies (for parents and carers). Remember, offering flexible options only to older workers could be unlawful
- In the light of Age Regulations, if you have a normal or company retirement age, check whether it needs to be raised or removed. Look at examples of best practice in other organisations if you're unsure
- If you have separate HR and pension departments, talk to both. It is important to open communications to discuss exactly what is possible at the outset.

### For large organisations

- Large organisations will need to establish a business case for introducing flexible retirement. Determining how your organisation will benefit from this will be necessary in persuading buy-in from senior management or key stakeholders
- You will need to investigate all options and implications (including pension scheme implications) of the proposed policy on employees and the organisation. You may need to consider the risks or implications of a flexible retirement policy on insurance, income replacement insurance and occupational health risks. Seek external advice to help with this, such as an HR or pensions consultant
- Consider whether the flexible retirement policy necessitates any changes to the company pension scheme rules or administration. Specific questions to be resolved include whether staff will be allowed to continue contributing to their pension. If an employee is a member of a defined benefit scheme things tend to be more complex. Agree whether staff can take part of their pension (rather than all or none)
- Estimate the cost of offering flexible retirement policies including increased pension and insurance costs, plus potential cost savings in areas such as recruitment and training

**St Helens Council have developed an older worker policy, which means that although the normal retirement age remains at 65, all employees have the option to continue to work dependent on the needs of the services. Thirty-seven workers have already taken up this option across a diverse range of occupations.**

- Get senior management, key stakeholders, HR and pension scheme managers involved at an early stage. This will save time and mean fewer revisions down the line
- Consult widely about the potential options as soon as possible. This could be done through setting up an internal working group to discuss and refine the policy.

<sup>3</sup> Flexible Retirement: A Snapshot of Employer Practices 2006 - published by DWP

This could include HR, union/staff representatives, financial representatives, lawyers (internal and/or external), an actuary, pension representatives, line managers, occupational health representatives, the insurance departments and key stakeholders.

### Next steps for all employers

- Check you have a strong performance management framework and clearly defined job roles and objectives for employees. These may need to be enhanced or amended to ensure that they can be used to effectively manage (non) performance and reviewed to ensure they are in line with the new age regulations
- Remember - the performance of an older employee should be managed in exactly the same way as a younger employee; having good systems in place will counteract concerns about what to do if an older employee is under-performing
- Your contracts of employment will need to be reviewed to incorporate flexible retirement policies
- Consider how the policy can be communicated to everyone. For small companies, this could simply be by word of mouth or an e-mail, but in larger companies this could be one of the most difficult parts of the process. You need to consider the type of information needed by a) HR and Pension Scheme managers b) managers and line managers and c) all employees
- Promote both your and your organisation's positive stance on older employees in a clear and transparent way. In time this will contribute to the policies becoming embedded within the culture of the organisation.

**Stanair Industrial Doors retain their workers well into their later years and continue to provide training and retraining as needed. This allows them to keep and use their skills and provides them with a tremendous bank of knowledge and experience.**

### For large organisations

- Talk to your communications department; the culture of the organisation and current communication systems will determine the best method and media of communication to an extent. Communication channels to consider include: pre-retirement courses; dedicated helplines; newsletters or booklets; presentations to staff; intranet sites
- Include Frequently Asked Questions and hints and tips in your communication information, about issues to consider and where to go for further information
- Consider providing training to help overcome possible resistance and misconceptions about older employees. Maybe refresher training on carrying out effective appraisals and performance management
- Once the policy has been shared with employees, be prepared to answer their questions about the financial implications of flexible retirement or provide information on where they should go for more help - the sources of information at the end of this booklet should help
- Consider appointing a member of staff or line manager as a 'champion'. This champion should have your support and be trained to deal with the issues surrounding flexible retirement. It could be their responsibility to cascade this information to others via in-house workshops or presentations
- Set up systems for monitoring the impact of your flexible retirement policies. Being able to prove the business benefits of the policy will help dispel any concerns held by managers
- The pension department should review information provided to employees on an ongoing basis. In the run up to retirement consider which information you want to provide to employees - both generally and in responding to specific requests or queries to help them in making decisions about their retirement.

## The retirement process

The age regulations introduced a number of changes including a default retirement age of 65. Employers need to be aware this means it is **unlawful to retire** people below the employer's normal retirement age, or below the default retirement age of 65 unless this can be objectively justified.

**However, it is not compulsory to have a fixed retirement age. Indeed, many businesses are benefiting from adopting flexible approaches to retirement and are finding this works well, not only enabling them to retain knowledge and experience, but allowing them to work out a retirement plan which is beneficial to both the employee and the company.**

The new regulations provide new procedures which are designed to allow employers and employees to benefit from a longer notice of retirement, meaning both parties will be able to plan for the future more effectively.

The new processes only apply to retirement. If an employer wants to terminate an employee's service before the normal or default retirement age due to other reasons, the rules are the same for employees of all ages.

To prevent claims of unfair dismissal, employers must be able to demonstrate that they have a good reason for terminating an employee's service and must have evidence to support this if challenged - this should be part of your normal dismissal procedures. Retirement will not be a fair reason for dismissal. Always check with ACAS or your HR or legal team before dismissing staff



## Understanding the new retirement procedures

If you choose to implement a compulsory retirement age within your organisation, the rules are simple to follow. The following step-by-step guide is adapted from the ACAS guide: 'Age and the Workplace' [www.acas.org.uk/media/pdf/r/j/Age\\_and\\_the\\_Workplace.pdf](http://www.acas.org.uk/media/pdf/r/j/Age_and_the_Workplace.pdf)

**Employer Step 1:** If you intend to retire an employee, you must inform the employee of their intended retirement date and that they have a right to request to work beyond this date. **This must be in writing, no more than one year, but no less than six months before the date** (see Text: Example Letter 1).

### Text: Example Letter 1:

I am writing to inform you that your retirement date will be *[insert date]* and that you have a right to request not to be retired.

I will give careful consideration to any request you may make to work beyond this date and will inform you if I cannot let you. I am not required by law to give a reason.

Your request not to be retired must be returned to *[person dealing with request]* no later than three months before the date stated above. Failure to do this will mean that you lose your statutory right to have your request considered and you will be retired on the retirement date shown above.

Name: .....  
*[Block capitals]*

Signature: .....

Date: .....

If your employee has been properly notified of their retirement date (as above), they must make their request to continue working, in writing, at least three months before the proposed retirement date. They must state whether they wish to continue working indefinitely; for a stated period or until a certain date.

**Note:** If you fail to notify the employee six months in advance you will have an ongoing duty to do so, up to two weeks before the intended retirement date. Failure to notify up to two weeks before the intended retirement date will make the dismissal automatically unfair and the employee will probably be liable for compensation.

**Employer Step 2:** If the employee is happy with the retirement date, you can retire the employee on the fixed date. No further action is required.

**Employer Step 3:** If your employee requests to work beyond the retirement date, you must consider the request seriously. It is customary to write to your employee and fix a date for a meeting to discuss the request (see Text: Example Letter 2).

**Text: Example Letter 2:**

I am writing to inform you that following your request not to be retired, there will be a meeting to discuss your request. The meeting will be held on *[insert date]* at *[insert time]* at *[insert location]*.

You have a right to be accompanied at the meeting by a fellow worker or a trade union representative. Your companion may be someone that you have chosen, but they must work for *[insert your company name]*. Your companion can address the meeting but not answer questions on your behalf, although you may confer during the meeting.

After the meeting, if it is decided to continue your employment beyond the intended retirement date of *[insert original retirement date]* you will receive written notification reflecting these agreed changes to your contract.

If no agreement is reached, you will receive further notification confirming your intended retirement date and informing you of your right to appeal.

Name: .....  
*[Block capitals]*

Signature: .....

Date: .....

**Employer Step 4:** If you accept the request for a new date and, if required, a new working pattern, it is courtesy to write and confirm the changes (see Text: Example Letter 3). You then need to amend the contract of employment and note the next date (no more than a year, but no less than six months) you need to write to them to inform them of their revised retirement date. If the new retirement date is less than a year away, send out a new letter immediately confirming the newly agreed date.



**Text: Example Letter 3:**

I am writing to inform you that after our meeting on *[insert date]* to discuss your request not to be retired, I/we have considered your request and have decided to extend your contract with *[company name]* as agreed.

Your new terms and conditions *[and working pattern, if applicable]* are outlined below.

Name: .....  
*[Block capitals]*

Signature: .....

Date: .....

**Employer Step 5:** If, after meeting with your employee and considering their request to work beyond the retirement date, you decide to reject their application, you must write to them and tell them of the decision as soon as is reasonably possible, informing them of their right to appeal the decision (see Text: Example Letter 4).

**Text: Example Letter 4:**

I am writing to inform you that after our meeting held on *[insert date]* to discuss your request not to be retired, I/we have considered your request and *[company name]* still intends to retire you on *[insert original intended retirement date]*.

You have a right to appeal this decision. If you wish to appeal you must inform *[insert name]* as soon as is reasonable. Failure to do so, or failure to agree a meeting date within a reasonable time period, may mean you lose the right to an appeal meeting. In this case, *[insert company name]* may consider your appeal without holding a meeting, although they will consider any previous representations that you have made.

Name: .....  
*[Block capitals]*

Signature: .....

Date: .....

**Employer Step 6:** If the employee appeals against the decision, an appeal meeting should be held as soon as is reasonably possible.

If it's not possible to hold an appeal meeting within a reasonable period, the employer can consider the request without a meeting, as long as the employee's case for continuing to work is taken into account.

An appeal can be made if:

- the employer refuses the request in its entirety or
- the employer accepts it, but decides to continue employment for a shorter period than the employee requested.

**Employer Step 7:** If, after the appeal meeting you:

- decide you still wish to retire the employee, you must inform them in writing as soon as is reasonably practicable (see Text: Example Letter 5)
- decide not to retire the employee, you should inform them in writing as soon as possible (see Text: Example Letter 6).

**Text: Example Letter 5:**

I am writing to inform you that after our meeting held on *[insert date]* to discuss your appeal not to be retired, I/we have considered your appeal and *[insert company name]* still intend to retire you on *[insert original intended retirement date]* as originally discussed.

Name: .....  
*[Block capitals]*

Signature: .....

Date: .....

### Text: Example Letter 6:

I am writing to inform you that after our meeting held on *[insert date]* to discuss your appeal not to be retired, I/we have considered your request and *[insert company name]* after further consideration have agreed to extend your contract.

As agreed at the meeting, your new terms and conditions *[working pattern, if applicable]* are outlined below.

Name: .....  
*[Block capitals]*

Signature: .....

Date: .....

**Remember: If you use the 'default retirement age of 65' or a normal retirement age (NRA) of 65 or over, you will need to repeat this process each time an individual reaches retirement age or is (less than a year but over six months) from the agreed extended point for retirement.**

Additionally: make sure all staff involved in making retirement decisions are fully aware of the new rules and of their responsibility to treat all candidates fairly and use objective criteria.

Put routines or practices in place to check that no bias, deliberate or intentional, has influenced retirement decisions.

For more details on the new retirement regulations, visit [www.acas.org.uk/media/pdf/r/j/Age\\_and\\_the\\_Workplace.pdf](http://www.acas.org.uk/media/pdf/r/j/Age_and_the_Workplace.pdf)



## East Dunbartonshire Council

### Who we are

We are a local authority in Scotland, responsible for an area to the North West of Glasgow with a population of just over 100,000. We employ more than 5,000 staff.

### What we do

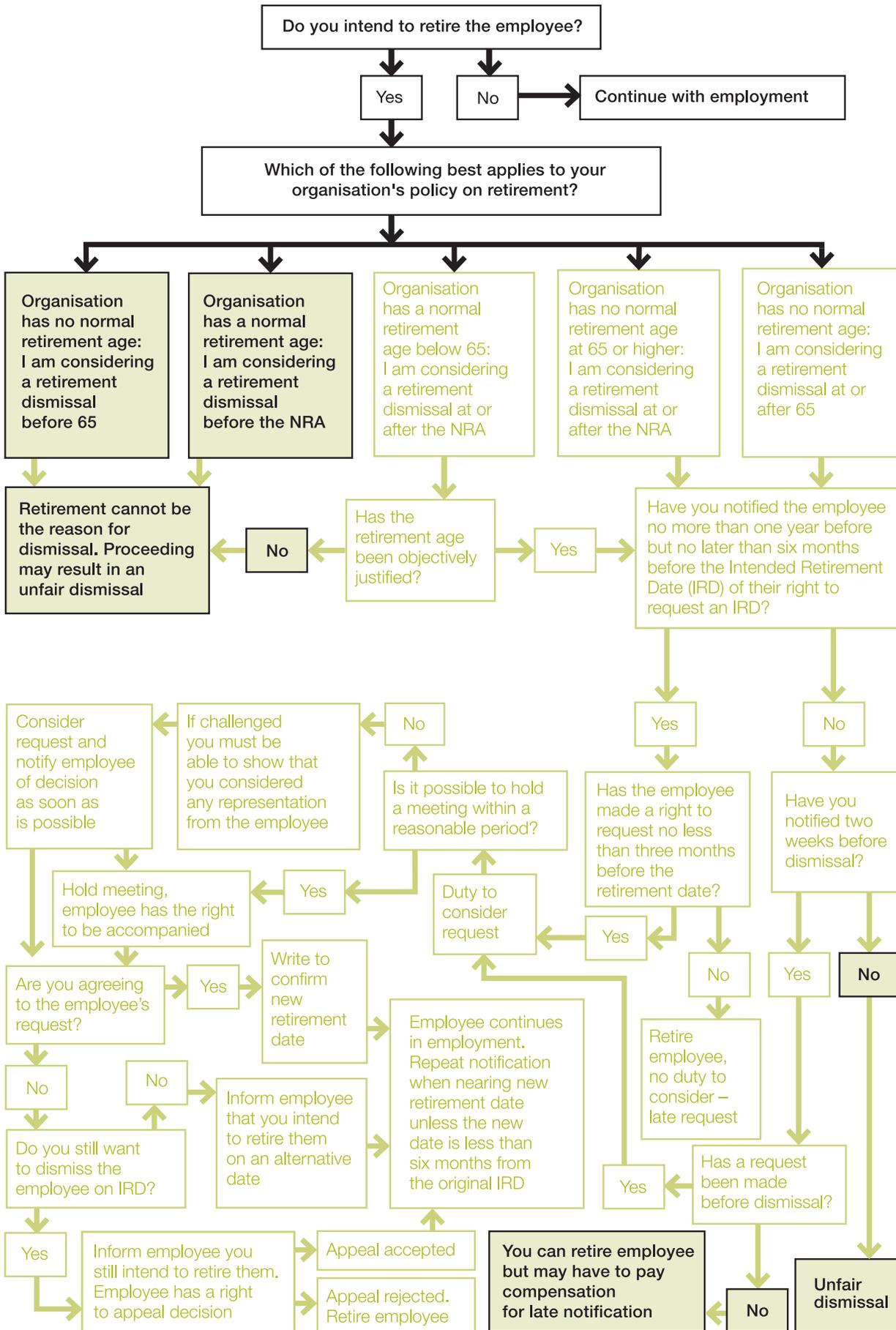
We are committed to giving employees who are retiring every option to ensure as smooth a transition as possible from work to retirement. Our flexible approach to retirement can be summarised as:

- all employees can retire at 65, regardless of gender, status, hours worked and length of service
- our staff can opt to work beyond 65 if they so wish; alternatively, in some cases employees can choose to retire early with pension benefits from age 60
- we also recognise that some employees may not want to move straight from work to retirement in one step - we offer options such reduced hours leading up to retirement, and allow employees to move to a different role with fewer hours or less responsibility
- we have a clear, written policy outlining guidance for managers and employees to prepare for retirement
- all employees planning to retire have a pre-retirement interview to discuss arrangements, including handover of work, mentoring and appropriate retirement celebrations.

### How it has benefited our business

- older employees who aren't ready to retire continue to enjoy the social and financial benefits of working - this shows that we value all our staff, of all ages, which makes for a highly motivated workforce
- staff who stay on beyond 65 have made a valuable contribution to the organisation through their experience and commitment.

# ACAS: Fair retirement flowchart



Notes: NRA means normal retirement age IRD means intended retirement date

## A changing workforce for employers

Finally, as an employer you should be aware that the UK labour market is changing. This may mean you have to radically re-think your policies and practices and develop ways in which you can encourage your older workers to stay in work rather than leave. Currently, people aged 50+ represent:

- almost 30 per cent of people of working age<sup>4</sup> and
- Twenty-six per cent of those actually in work<sup>5</sup>.

And by 2020 there will be nearly five million more people aged 50+ in the UK.<sup>6</sup> By comparison the number of workers under 35 is falling with the fastest decreases amongst the 18-24 age bracket. If, as an employer, you have traditionally recruited from this age group, you will need to look again at your policies.

The demographic changes mean that the need to take an age positive approach to retirement and pensions has never been more pressing and will become even more important over the next 10-15 years.

Education is a highly qualified sector, employing 2.5 million people (8 per cent of the national workforce) in 13,000 establishments. This sector has a high demand for new recruits and levels of vacancies are high. It is predicted that the sector will need an additional 1.14 million employees by 2014 - equivalent to 46 per cent of the current workforce<sup>7</sup>.

This may be why the National Association of Schoolmasters Union of Women Teachers, which is the largest union representing teachers and head teachers throughout the UK, has already made changes to their pension scheme.

Their changes include a 'phased retirement' option to enable both existing and new scheme members aged 55 or over to draw part of their accrued pension (actuarially reduced if before NPA) and continue working as a teacher within the Teachers Pension Scheme<sup>8</sup>.

It is essential that all employers, of all sizes, in all sectors, take action now and get ready. It can only be a benefit to be ahead of the competition.

## Age Positive Retirement: answers to your questions

### 1. What do the new age regulations say about retirement?

The regulations set a default retirement age of 65 (to be reviewed in 2011). This means compulsory retirement below the age of 65 is unlawful unless you can satisfy the test of objective justification.

### 2. Does this mean it is compulsory to retire all staff at 65?

No, although you cannot forcibly retire anyone before 65, it isn't compulsory to have a retirement age - in fact many employers don't have one. Employers can choose whether they have any retirement age at all - the law doesn't require it and in many cases it's just an historical relic of the company's previous policies and practices that hasn't been updated.

If you choose to use a fixed retirement age you will have new time-bound responsibilities to inform employees of their retirement date and their 'right to request' to work beyond. However, if members of your staff choose to leave or retire prior to age 65, that is also their choice, you cannot force them to remain in employment against their wishes.

### 3. Do I need to consult employees who are 65 or over before retiring them?

Yes, you must inform your employees a minimum of six or a maximum of 12 months before the date you plan to retire them, regardless of any previous discussion or review.

### 4. Are there any changes, which will affect my employees?

Yes, all employees will have the 'right to request' to work beyond the default retirement age of 65 or any other retirement ages set by you, and all employers will have a 'duty to consider' requests to work longer. For more information on the process, go to <http://www.acas.org.uk/index.aspx?articleid=1044>

<sup>4</sup> Government Actuary Population Projections, 2004.

<sup>5</sup> Labour Force Survey Dec-Feb 07

<sup>6</sup> Government Actuary Population Projections, 2004.

<sup>7</sup> Managing an ageing workforce in the 'education' sector. A report for employers available to view at [www.agepositive.gov.uk](http://www.agepositive.gov.uk)

<sup>8</sup> Website address for further information [www.nasuwat.org.uk/Templates/Internal.asp?NodeID=72955&ParentNodeID=43089](http://www.nasuwat.org.uk/Templates/Internal.asp?NodeID=72955&ParentNodeID=43089)

## 5. What happens if I refuse to allow an employee to work past 65?

If you correctly follow the procedures laid down in regulations, you may rely on the default retirement age without the dismissal being regarded as unfair or age discriminatory. However, if you do not follow the process the employee could challenge the decision as unfair dismissal.

The regulations are not designed to force you to retain staff that are unsuitable, however, it is also not good business sense to dismiss individuals based solely on their age - in many cases retaining older workers can be mutually beneficial to both parties.

## 6. Is there anything else I need to do to make sure I act in accordance with the new regulations?

Review your practices now and make sure you're familiar with the guidance on the retirement process. Seek advice if you have concerns. If you don't have access to your own HR department or to independent legal advice, ACAS is the nominated agency to give advice and guidance on age issues. Contact their Helpline on 0845 7474747 or go online at [www.acas.org.uk](http://www.acas.org.uk)

Good practice, help and information is also available on the Age Positive website at [www.agepositive.gov.uk](http://www.agepositive.gov.uk) or look at any of the other sources of help and information listed in this leaflet.

**Remember - if you discriminate and lose your case, there is no limit on how much an employment tribunal can ask you to pay.**

## Sources of additional information

### General help and information

Age Positive  
[www.agepositive.gov.uk](http://www.agepositive.gov.uk)

ACAS  
08457 474 747  
[www.acas.org.uk](http://www.acas.org.uk)

Business Link  
0845 600 9 066  
[www.businesslink.gov.uk](http://www.businesslink.gov.uk)

British Chambers of Commerce (BCC)  
020 7654 5800  
[www.chamberonline.co.uk](http://www.chamberonline.co.uk)

Financial Services Authority  
0845 606 1234  
[www.fsa.gov.uk](http://www.fsa.gov.uk)

Directgov (Employment)  
[www.direct.gov.uk/en/Employment/](http://www.direct.gov.uk/en/Employment/)

Trades Union Congress (TUC)  
020 7636 4030  
[www.tuc.org.uk](http://www.tuc.org.uk)

Confederation of British Industry (CBI)  
020 7395 7400  
[www.cbi.org.uk](http://www.cbi.org.uk)

Chartered Institute of Personnel and Development (CIPD)  
020 8612 6200  
[www.cipd.co.uk](http://www.cipd.co.uk)

The Age and Employment Network (TAEN)  
020 7843 1590  
[www.taen.org.uk](http://www.taen.org.uk)

Federation of Small Businesses (FSB)  
020 7592 8100  
[www.fsb.org.uk](http://www.fsb.org.uk)

National Association of Pension Funds (NAPF)  
[www.napf.co.uk](http://www.napf.co.uk)

The Pensions Regulator  
0870 6063636  
(9am to 5pm, Monday to Friday)  
[www.thepensionsregulator.gov.uk](http://www.thepensionsregulator.gov.uk)

OPAS, the Pensions Advisory Service  
0845 6012923 (for information and guidance on any aspect of occupational or private pension provision)  
[www.opas.org.uk](http://www.opas.org.uk)

### Other Government sites

Department of Trade and Industry (DTI)  
[www.dti.gov.uk](http://www.dti.gov.uk)

Department for Work and Pensions (DWP)  
[www.dwp.gov.uk](http://www.dwp.gov.uk)

HM Revenue and Customs (HMRC)  
[www.hmrc.gov.uk](http://www.hmrc.gov.uk)

The Pension Service  
[www.thepensionservice.gov.uk](http://www.thepensionservice.gov.uk)





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[www.agepositive.gov.uk](http://www.agepositive.gov.uk)

Working with employers to remove  
age discrimination in employment

**DWP** Department for  
Work and Pensions