Employer Justified Retirement Age (EJRA)

PART A

I. Introduction

1. Council has agreed to maintain a retirement age for University academic and academic-related staff, including (in respect of their University appointments) the holders of joint appointments, primarily to support the University's mission to sustain excellence in teaching, research and administration and to maintain and develop its historical position as a world-class university.

2. Council has approved a procedure under which requests to continue in employment beyond the EJRA will be considered. These aim to provide a fair and inclusive process through which the University is able to manage the future of academic and academic-related posts by retirement or retention. The procedures seek to balance the wishes of the individual with the needs of the collegiate University by facilitating the timely discussion of options with a view to identifying possible future arrangements which are acceptable to all parties, and by providing a clear decision-making and appeal process which allows account to be taken of all relevant considerations.

II. Aim of EJRA

3. Academic and academic-related staff will normally retire from the employment of the University on reaching the EJRA, which is the 30 September prior to the 68th birthday. The EJRA is considered to provide a proportionate means of:

- safeguarding the high standards of the University in teaching, research and professional services;
- 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, in order, in particular, to refresh the academic, research and other professional workforce and to enable them to maintain the 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, given the very long lead times for making academic and other senior professional appointments particularly in a university of Oxford's international standing;
- 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 and those who have recently retired;
- facilitating flexibility through turnover in the academic and academic-related workforce, especially at a time of headcount restraint, to respond to the development of academic disciplines and to the changing business needs of the University, whether in administration, IT, the libraries or other professional areas;
- minimising the impact on staff morale by using a predictable retirement date to manage the expected cuts in public funding by retiring staff at the EJRA; and
- in the context of the distinctive collegial processes through which the University is governed, avoiding invidious performance management and redundancy procedures to consider the termination of employment at the end of a long career, where the performance of the individual and/or the academic or other professional needs of the University have changed.
III. Scope

4. The EJRA applies to all academic and academic-related staff\(^1\) employed by the Chancellor, Masters and Scholars of the University of Oxford, including (in relation to their University appointments) the holders of joint academic appointments with the Oxford colleges.

5. Subject to 7. below, all existing members of academic and related staff who have a normal retirement date of 30 September immediately preceding the 66th birthday will be deemed, from 1 October 2011, to have a retirement date of 30 September preceding the 68th birthday, which shall be the EJRA.

6. All existing members of the academic and related staff who have a vested right to a normal retirement age of 67 will continue to have a retirement date of 30 September immediately preceding the 68th birthday.

7. In cases where, under the Personnel Committee's procedures applying until 30 September 2011, a member of staff has a retirement date set by individual agreement to be other than 30 September preceding the 66th birthday, the retirement date specified in the agreement will continue to apply. Where the specified date is earlier than the EJRA, any request to work beyond the specified date should be referred to the Director of Personnel and Related Services.

8. No provision associated with the EJRA shall affect the right of any employee of the University 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.

9. The procedure for considering all requests to work beyond the EJRA, including those that entail a modification of duties or working pattern after that date, are set out in Part B of this document.

IV. Review

10. The EJRA will operate for an initial period of ten years from 1 October 2011. The application and outcomes of the EJRA and its procedures will be reported annually to the Personnel Committee and will be subject to an interim review after five years. These reviews will take into account all relevant considerations, including the continued relevance of the aims set out in section II above to each of the groups of staff to whom the EJRA applies, the application of the EJRA and the procedure for exceptional limited continuation, as well as relevant external developments in relation, for example, to pensions and longevity.

PART B

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\(^2\) 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

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\(^1\) Academic staff includes professors, readers, university lecturers, CUF lecturers, ULNTFs, and faculty lecturers. Academic-related staff includes all other staff employed on grades 6 to 10, ALC6 and RSIV.

\(^2\) Equivalents include, for example, the Registrar in relation to appointment within UAS, or the Pro-Vice-Chancellor (Research, Academic Services and University Collections (ASUC)) for departments within ASUC.
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.

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.

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.

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 (eg 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 (eg 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.

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