



## Employer Justified Retirement Age Policy

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

#### 1. Introduction

1.1. St Hilda's College has agreed to maintain a retirement age for all Fellows employed by the College, other academic staff, key administrative staff<sup>1</sup> and the Principal<sup>2</sup>. This is primarily to support the college's mission to sustain excellence in teaching and research, to maintain and develop its historical position as part of a world-class university, to preserve the essential character of the college as a community of academics and to secure robust leadership for the college.

1.2. The college's EJRA procedures aim to provide a fair and inclusive process through which the college is able to manage the future of academic and key administrative posts by retirement or retention. The procedures seek to balance the wishes of the individual with the needs of the college by:

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

1.3. The EJRA was initially planned to operate for a period, of 10 years, from 1 October 2017. The application and outcomes of these arrangements will be reported annually to the Governing Body and will be subject to an interim review after four years.<sup>3</sup> These reviews will take into account all relevant considerations, including the continued relevance of the aims set out above to 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.

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<sup>1</sup> Grade 8 or equivalent or above, i.e. who are eligible to be members of Congregation

<sup>2</sup> If beyond the initial 7 year tenure period, see 3.3.

<sup>3</sup> Oxford University reviewed its EJRA in 2021/22 and published amendments in Michaelmas Term 2022 to take effect on 1 October 2023.

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

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

- safeguarding the high standards of the college in teaching and 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 and other senior professional 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, given the 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;
- Minimising the impact on staff morale by using a predictable retirement date to manage the need to make efficiencies by retiring staff at the EJRA;
- in the context of the distinctive collegial processes through which the college 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 college have changed; and
- securing strong and active leadership as Principal from those who have already distinguished themselves in their careers.

## **3. Scope**

3.1. The EJRA applies to all academic staff, key administrative staff and Fellows employed by St Hilda's College including (in relation to their college appointments) the holders of joint academic appointments with Oxford University. A separate retirement date applies to the Principal (3.3 below).

3.2. Subject to (3.7) below, all existing members of staff specified in (3.1) above who have a normal retirement date of 30 September immediately preceding their 66th birthday as specified by contract, statute or bylaw will be deemed, from 1 October 2023, to have a retirement date of 30 September preceding their 70th birthday, which shall be the EJRA.

3.3. The retirement date of the Principal of St Hilda's College is currently specified in Statute II.5 as 31 July after attaining the age of 67 years, and if they attains this age on 31 July they shall retire on that date. From 1 October 2023 the Principal shall be deemed to have a retirement date of 31 July preceding her 70th birthday. A person appointed as Principal whose tenure in office would be for a period of less than 7 years by virtue of the operation of Statute II.5 shall (unless they elect otherwise) have their retirement automatically postponed to the 31 July, 7 years after the 1 August start of their tenure period, without the need to make any application pursuant to the EJRA Policy. The operation of this Policy does not affect the right of such a Principal, while in office, to apply for an extension to their term pursuant to the College's EJRA policy.

3.4. All existing members of the academic staff who have a vested right as specified by statute to a normal retirement age of 67 will have a retirement date of 30 September immediately preceding their 70th birthday.

3.5. In cases where, under the college's procedures applying until 30 September 2017, 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 Principal under this procedure and the merits of each case will be considered in the context of the rationale for the original extension.

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

3.7. 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.

3.8. 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**

4.1. All requests to continue working beyond the EJRA will be considered in the context of the aims of the 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 a college 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.

4.2. The college panel, and subsequently the Governing body 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).

## **5. Considerations**

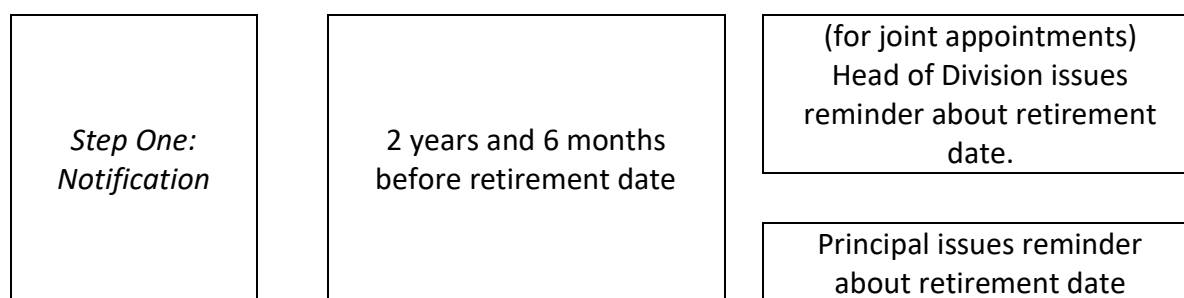
- Is the individual, if extended in employment, expected to make a significant contribution to the college, for example through distinguished scholarship, and would the loss of this contribution be unacceptable to the college and (in the case of joint appointments) the collegiate University?
- Would the employee's contribution be very hard to replace given his or her particular skills set and/or the employment market? For example, does the 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?
- What is the likely impact of continued employment compared with the opportunity arising from a vacancy on the quality of work of the college, 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 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 (if any) on the promotion of diversity?
- Is the duration of the proposed extension of employment appropriate in terms of the benefits expected to the college?
- In the case of a joint appointment, both the University and the College will release that post to be re-filled, and will consider under their exceptions procedure only the potential to offer a new fixed-term post with continuity of service. What are the implications for the joint appointment of offering a new fixed-term post after EJRA?

## Part Two - The Process

### 6. Notification and Discussions

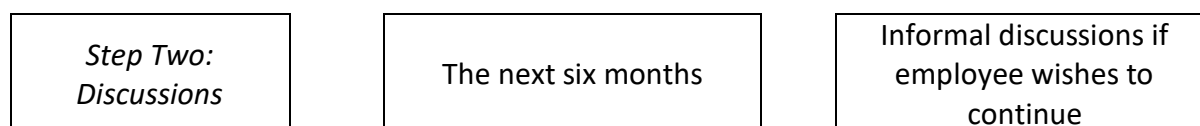
6.1. The college has adopted the following procedure for considering requests from Fellows employed by the College, other academic staff, and key administrative staff who are due to retire on or after reaching the EJRA but who wish to extend their employment and are not precluded from so doing under the terms of any individual agreement. If the Principal wishes to extend her employment beyond their initial 7 year term of office the procedure will be modified so that the tasks allocated to the Principal are instead undertaken by the Vice Principal.

#### ***Step One: Notification***



6.2. The Principal will remind Fellows, other academic staff, and key administrative 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 the head of division will also send a letter to the member of staff with reference to their university employment. Where it judges it necessary, the college may decide to give earlier notification.

#### ***Step Two: Discussions***



6.3. Any academic staff member<sup>4</sup> who wishes to continue in employment beyond the EJRA should first discuss his/her situation informally and in good time with the Senior Tutor. Key administrative staff should hold this informal discussion with the Bursar. Administrative Fellows<sup>5</sup> should hold this informal discussion with the Principal, and in the case of the

<sup>4</sup> To include the Librarian.

<sup>5</sup> Bursar, Senior Tutor and Development Director

Principal, with the Vice Principal. Holders of joint appointments may also consult their head of 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 may also be consulted. Holders of joint/joint appointments between two or more colleges should ensure that the Senior Tutor of each college is consulted.

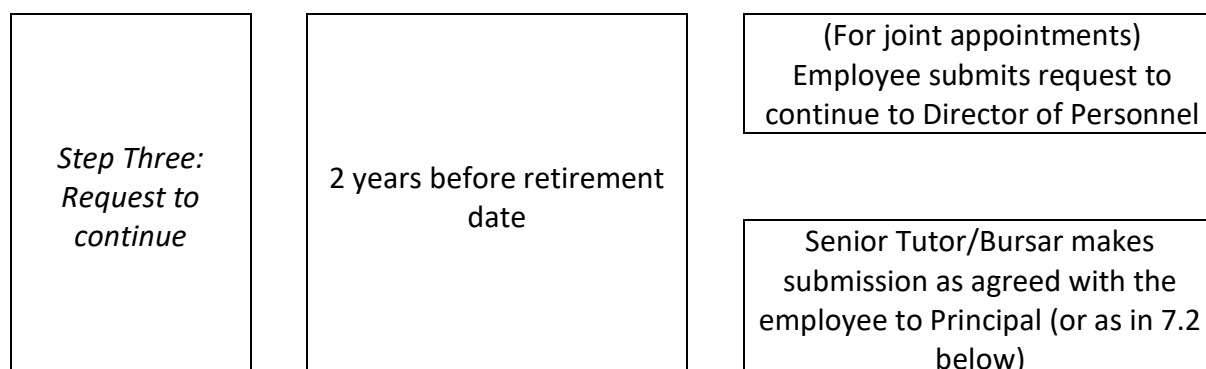
6.4. Early exploration of all options is encouraged. In the case of joint appointments, it is possible that the staff member may wish to continue working in only one part of the joint appointment, or one employer might wish to agree continued employment while the other does not.

6.5. For joint appointments, the substantive appointment will be released, and if it is agreed that the member of staff will continue in employment after the EJRA, they will be offered one or more new fixed term contracts, though with continuity of service. In this context, a staff member wishing to continue to work might wish to consider a new contract issued by one employer that would be compatible with retirement from the other part(s) of the joint employment. Flexibility should be encouraged, subject to the aims of the EJRA.

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

## 7. Submission and consideration of the request to continue

### ***Step Three: Request to Continue***



7.1. If the staff member wishes to continue in employment beyond the EJRA, they should submit their case in writing to the Senior Tutor or appropriate person (as above 6.3) in good time, setting out the proposed working arrangements and the length of extension requested.

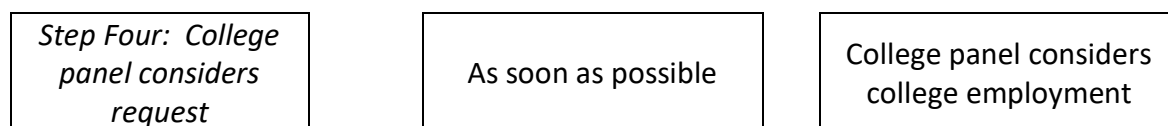
7.2. The request to continue working in a college appointment beyond the EJRA should be submitted formally in writing, by the Senior Tutor for academic staff, or by the Bursar in the case of non-academic staff, to the Principal as part of an agreed submission. Administrative Fellows should submit a request directly to the Principal, and in the case of the Principal, the request should be submitted to the Vice Principal. Any request relating to a university 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 as 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, Bursar, Principal or the Vice Principal setting out relevant academic or other college circumstances and background
- d)

7.3. The member of staff should be invited to append to the submission any supporting material they may consider appropriate.

7.4. The normal deadline for such requests to reach the Principal (or Vice Principal in the case of the Principal) is two years before the retirement date. Later requests may be considered in exceptional circumstances.

**Step Four: Consideration of request**



7.5. All requests to continue in employment by the college beyond the ERJA, will be considered by a panel, comprised of the HR Manager and at least three members of Governing Body proposed by the Principal (or Vice Principal in the case of the Principal) and approved by Governing Body. Those responsible for presenting the case for extension will not be involved in the panel.

7.6. The panel will assess each request on its own merits in the context of the aims of the EJRA as set out above, and in the light of any exceptional personal circumstances.

7.7. The panel will consider the request in the light of the considerations set out in section 5 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.

7.8. Where the relevant college representative (Senior Tutor, Bursar, Principal or the Vice Principal) and, in the case of a joint appointment, other 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.

7.9. Where the relevant college representative 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, the panel will invite the staff member to a meeting to make his/her request for an extension in person, if they so choose<sup>6</sup>. The relevant college representative will also be able to present their case and the panel may also call upon the division, department and any other parties as appropriate. Relevant documentation will be provided

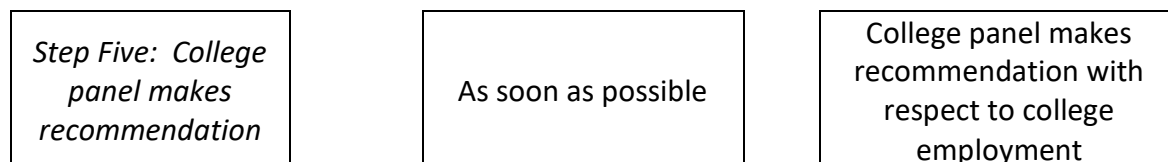
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<sup>6</sup> It should however be recognised that each part of the joint appointment is a separate contract, and any extension granted would be to a separate fixed-term contract.



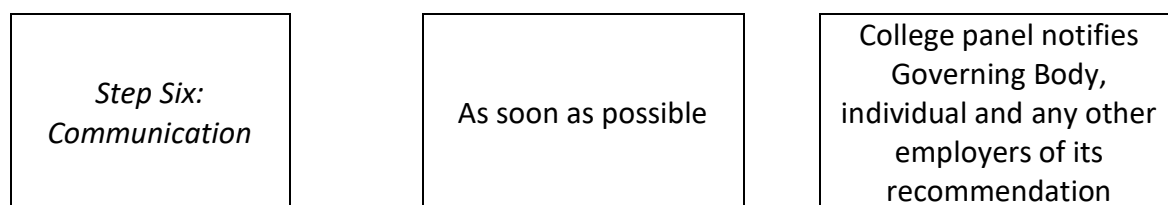
to all the parties in advance of the date of any meeting of the panel arranged to address the request. The staff member will have the right to be accompanied by a trade union representative or a colleague.

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



7.10. 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.

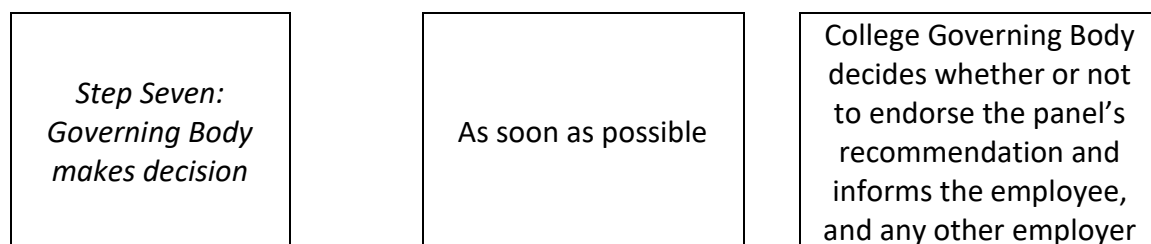
***Step Six: Communication***



7.11. 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: Governing Body makes decision**

7.12. Note: Since the College’s appeal panel will include members of Governing Body, those members should not be involved in this decision- making process and should absent themselves from any discussion.



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

7.14. Where the request to continue working beyond the EJRA is rejected, the individual will be notified in writing of the right of appeal (Step 8).

7.15. 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. 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, 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**

7.16. The Governing Body shall make arrangements to hear any appeal against a decision made under Step 7. The body hearing the appeal will be separate from the body or individual making the decision. The appeal panel shall inform the Governing Body, employee and any other employer, as relevant, of this decision.