



NHSSCOTLAND NATIONAL INTERIM ARRANGEMENT ON RETIRE AND RETURN

1. I write to issue the Interim National Arrangements on Retire and Return (provided at Annex A). This policy is now in operation and should be implemented immediately across NHSScotland.
2. I ask you to ensure that this is widely publicised to staff.
3. The Arrangement is issued on an interim basis pending the review of the Retirement Policy by the 'Once for Scotland' Workforce Policy Review Programme. The arrangement will be formally incorporated into the Retirement Policy in the Supporting the Work-life Balance suite of policies anticipated to be published in 2023.
4. The arrangement supports retiring employees by offering an accelerated process to return on a part-time basis to the same job or a different role within the same job family at the same or a lower grade.
5. NHS Employers are asked to make their own arrangements for publishing this Director's Letter, which can be viewed at: <https://www.publications.scot.nhs.uk/>

Yours sincerely

A handwritten signature in black ink, appearing to read "Laura Zeballos".

LAURA ZEBALLOS

Deputy Director
Health Workforce Pay, Practice and Partnership
Division

DL (2022) 30

30 August 2022

Addresses

For action:

Chief Executives, NHS Boards and National Health Boards.
Employee Directors, NHS Boards and National Health Boards.
Directors of Human Resources, NHS Boards and National Health Boards

For information:
Scottish Workforce and Staff Governance Committee

Enquiries to:

Catriona Hetherington
Head of Staff Governance
Scottish Government Health Directorates
Health Workforce
Ground Floor Rear
St Andrew's House
EDINBURGH EH1 3DG

E-mail:
catriona.hetherington@
gov.scot

NHSSCOTLAND INTERIM ARRANGEMENTS ON RETIRE AND RETURN

A process to support employees to retire and return has the potential to reduce some of the effects of changed pension provisions, workforce supply issues and the transfer of specialist knowledge and skills. The following principles have been established on an interim basis pending consultation on the full NHSScotland Retirement Policy.

There is no right for an employee to return to work automatically following their retirement. However, this arrangement offers an accelerated route to support a return to work and potentially benefits both employer and employee.

The retire and return route is not available to staff who retire because of ill health or organisational change or the pension category of efficiency of the service. The identification of other possible employment for staff in these categories should be managed in line with the appropriate policy. Please refer to the [Attendance Policy](#), the [Capability Policy](#) or the Board's Organisational Change Policy.

Application process

The employee should complete a retire and return application form (Annex A) for consideration at the same time as they apply for their pension.

The manager and employee should then discuss and agree options for a return to work.

A manager with sufficient seniority to understand broader workforce implications and plans must authorise the application.

The completed retire and return application form (Annex A) should then be held in the employee's personal file.

Return to existing post

When considering an application, the manager needs to assess the needs of the post and the service. This should include potential barriers such as:

- any planned service redesign
- the availability of posts to support redeployment. Refer to the [Redeployment Policy](#)
- the need for the post to be full-time or the requirement for on-call

The employer may explore other options if they cannot consider a return to the existing post. For example, the returner can be considered for posts within the same job family.

Alternatively, the returner can apply for advertised posts on these websites through open competition:

- [NHSScotland Recruitment website](#)
- [GP Jobs](#)
- [Practice Jobs](#)

Return to a different role or grade

A returner can apply for a post in the same job family either at a different grade or elsewhere in the service. The employee should approach their manager to see if there is a suitable vacancy to match their skills and experience. If so, their application for the vacancy should be considered before others. For example, a retired physiotherapy team leader returning to a band 5 physiotherapist post. Re-employment into the same job family will not require the usual recruitment process for appointment to a part-time post.

Re-employment to a different job family, for example, from nursing to administrative services, must be made through normal recruitment processes. The employer will appoint the individual on a substantive or fixed-term contract, depending on the advertised post.

Return to a bank contract

A returner may wish for more flexibility in their working pattern. Therefore, continuing with an existing bank contract or returning to a contract for service with the staff bank may be considered.

Contractual Issues

The employee will need to resign from their original NHS contract of employment so they can be terminated from payroll. If the individual intends to access their NHS pension, they must complete the relevant paperwork at least 4 months before their retirement date.

On re-employment, the employer will offer a new contract for the part-time or alternate role. This contract will normally be made on a permanent basis unless the post would have been advertised as fixed-term contract, had it not been filled by the returner.

Under employment law, the individual's continuity of employment will be broken if there is a break of more than one week (measured Sunday to Saturday) between retirement and return. Therefore, if there is a break of less than one week between retirement and return, continuity of employment will be retained. If continuity of employment is broken this will effect statutory entitlements and an employee's ability to raise certain claims at an Employment Tribunal.

NHS Terms and Conditions cover NHS entitlements, such as annual leave and sick pay. The NHS Terms and Conditions set out the maximum break allowed before previous NHS reckonable service is discounted. Each entitlement, such as sick pay, annual leave, or redundancy, will have maximum break provisions.

The individual will be re-employed on the most recent pay point on their basic salary scale if returning to their current, or an equivalent, post. This rate of pay will not include any protection of earnings applicable to their previous role or any allowances, unless they relate to the new part time role.

If returning to a lower-graded post, they will be placed on a point on the pay scale that reflects their years of experience. In most cases this will be the top of the new pay scale in line with the terms and conditions ([DL\(2021\)47](#)).

Employers should work with Medical and Dental Consultants to agree the most appropriate way for them to be re-employed in the service. Associate specialists will be re-employed on a locum Consultant basis.

Executive Directors, who are appointed members of an NHS Board, may retire and return to a different post in the same job family. To return to their previous Executive Director post on a part-time basis will require consideration in line with the Ministerial appointments process.

Appeal process

The employee will have a right to appeal within 14 calendar days against the decision to refuse a request for retire and return. When exercising this right, the employee must identify the reason for their appeal.

The appeal panel Chair, in accordance with the [scheme of delegation](#), will be responsible for identifying membership of the appeal hearing panel.

The Chair will also be responsible for ensuring that all parties are advised in writing of the arrangements, no later than 14 calendar days prior to the hearing.

Outcome

Following the hearing, the Chair will write to the employee and all relevant parties with the outcome of the appeal hearing. This should include the rationale behind any decision taken in response to the employee's grounds for appeal. The letter will be issued within 7 calendar days following the appeal hearing.

The outcome of the appeal will be final for this application.

Annex A

Retire and return application form

This form should be used to request retire and return on a part-time basis. Employees should read the NHSScotland Interim National Arrangement on Retire and Return. It is important that you understand the terms of the arrangement before completing this form. If you are in any doubt about the implications of your request, you should discuss with your manager.

Part 1: To be completed by employee

Section 1: Personal details

Name:

Job title:

Grade / Band:

Payroll number:

Department:

Location:

Section 2: Present working arrangements

Please identify your current working arrangements:

Days of the week	
Start and finish times	
Total hours per week	

Section 3: Request to return after retirement

Type of return

Which category of return are you requesting (please tick the category that applies to you)

- A. I would like to return on a part time basis to my current post
- B. I would like to return on a part time basis to another post within the same job family. Please state the grade or band below:

- C. I would like to retire and undertake shifts on the staff bank
- D. I would like to retire and return on a part time basis to another post within a different job family

Working pattern requested

Days of the week	
Start and finish times	
Total hours per week	

Do you wish to be available on-call? Yes / No (delete as appropriate)

Section 4: Retirement date and return start date

Please give the date you would like to:

Retire on	
Return on	

Section 5: Impact of new working pattern

Please give details of how you think the requested work pattern will affect the department

How do you think this can be managed or resolved?

Section 6: Declaration

Please read the following statements and tick whichever box is appropriate:

- I have contacted the Scottish Public Pensions Agency (SPPA) regarding the effect of this proposal on my pension benefits
- I am not a member of the Superannuation Scheme

Employee's signature	
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Date	
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Part 2: To be completed by manager, and returned to the applicant

Please complete relevant section (A, B, C or D) based on the category of retire and return requested.

A. I would like to return on a part time basis to my current post

- (1) **I support this request and the associated new working pattern.**

You will retire on(date) and commence re-employment on the following arrangement on(date)

Hours of work	
Days of work	
On call (Yes / No)	
Grade/Band	
Job title	
Location	

Or

- (2) **Before I accept or reject this request I will need to establish if I can recruit to the remaining hours on a part time basis or job share.**

I will start the recruitment process and let you know, within 3 months from the date of receipt of this application, the outcome of your request for voluntary retirement and reemployment on part time basis.

Or

- (3) **I do not support this request for the following reasons:**

Please state reasons below, or attach your written response to the applicant.

The post cannot be filled on a part time basis or job share for the following reasons:

B. I would like to return on a part time basis to another post in the same job family

- (1) I support this request and the associated new working pattern.

You will retire on(date) and commence re-employment on the following arrangement on(date)

Hours of work	
Days of work	
On call (Yes / No)	
Grade or Band	
Job title	
Location	

Or

- (2) I reject your request to retire and return to a lower graded post within the same job family as there are no vacancies which meet your requirements. In the lead up to your retirement I will let you know if this situation changes.

C. I would like to retire and undertake shifts on the staff bank

- (1) As a current member of the staff bank, the contract for services will not be terminated.

Or

- (2) You are advised to contact the staff bank to obtain a contract for service.

D. I would like to retire and return on a part time basis to another post of a different job family

- You are advised to apply for advertised vacancies:

- [NHSScotland Recruitment website](#)
- [GP Jobs](#)
- [Practice Jobs](#)

The response to the applicant should be approved by the manager and reviewed by a senior manager.

Manager

Signed	
Please print name	
Designation	
Date	

Senior Manager

Signed	
Please print name	
Designation	
Date	