

St Catherine's College

Employer-Justified Retirement Age (EJRA) Policy

This document has two parts; the first part being an EJRA policy and the second a description of the associated process. It mirrors the University of Oxford's policy for operating its EJRA in respect of academic staff.

Part One sets out the background, rationale and scope of the EJRA, together with the criteria that might be used to consider any requests to continue in employment beyond the retirement age.

Part Two sets out the process for operating the EJRA. This has two sections:

- a. The process for notifying staff of their retirement age;*
- b. The process for staff making a request to continue beyond the retirement age and for such requests to be considered*

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

1. Summary

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 posts by retirement or retention. The procedures seek to balance the wishes of the individual with the needs of the college by

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

2. Aims and Justifications of the St Catherine's College EJRA

St Catherine's College has agreed to maintain a retirement age for academic staff primarily to support the college's mission to sustain excellence in teaching and research and to maintain and develop its historical position as part of a world-class university. The EJRA will apply in all but exceptional cases, where the academic benefits to the College of retaining an academic staff member clearly outweigh the detriment to the aims of the EJRA caused by its dis-application.

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;
- 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 research workforce within the college and to enable them to maintain the collegiate university's position on the international stage;
- facilitating succession planning by maintaining predictable retirement dates, especially in relation to the collegiate University's joint appointment system, and given the long lead times for making academic 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; and
- 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 needs of the college have changed.

3. Scope

St Catherine's College has established an EJRA of the 30th September preceding the 69th birthday.

The EJRA applies to all academic staff employed by St Catherine's College, including (in relation to their college appointments) the holders of joint academic appointments with the University of Oxford employed by St Catherine's, of grade 8 or equivalent or above, i.e. who are eligible to be members of Congregation.

The University of Oxford currently expects to review its EJRA in 2021/22. St Catherine's College will review its EJRA at the same time.

4. Consideration of requests to work beyond the EJRA

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, following a recommendation from Dispensations Committee, submitted through Fellowships Committee (in the case of Fellows) or Academic Policy Committee (in the case of lecturers) is convinced that it is reasonably necessary to extend and 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 Dispensations Committee and subsequently the Governing Body as decision-maker will weigh the advantages of continued employment against the opportunities arising from creating a vacancy, including the intention of recruiting someone else, using the vacancy for a different purpose, or leaving the post vacant for a period (whichever may apply).

The Dispensations Committee and subsequently the Governing Body as decision-maker will take the following issues into consideration:

- a) Is there a demonstrable need, for a defined period, to retain the applicant in employment in order to complete a specific project or duties, or to gain the full benefit of tasks already completed by him or her, which:
 - i) are of particular strategic importance to the College; and
 - ii) could not be completed by any other individual who is not over the EJRA, either by a current member of the College's staff or through a recruitment exercise; and
 - iii) in the case of prospective or current grant-funded research projects, could not, in accordance with the funder's rules, be completed on a non-employed, or voluntary basis; and
 - iv) could not be completed on an employment contract with fewer working hours or of a shorter duration?
- b) Are there any special personal characteristics that would properly justify exceptional treatment?
- c) Will the proposed extension result in the creation of career development opportunities for others that would not otherwise have been created?
- d) Is there a demonstrable need that arises in connection with a specific event or circumstance and that could only be met by retaining this particular employee in employment for a fixed period?
- e) In the case of a joint appointment what are the implications 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 interests of the College and the University?

- f) 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.

Part Two - The Process

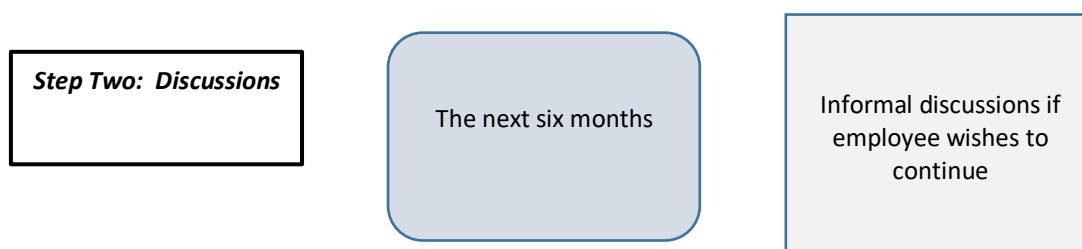
(a) Notification and Discussions

Step One – Notification



- The Master will remind academic staff in writing of their normal retirement date and of the process for requesting continuation in employment beyond that date no later than two years six months before their retirement date under the EJRA. In the case of joint appointments, this notification will be copied to the relevant head of division and 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



Any Fellow who wishes to continue in employment beyond the EJRA should first discuss his/her situation informally and in good time with the Master. Lecturers wishing to continue beyond the ERA should discuss their situation informally and in good time with the Senior Tutor. Holders of joint appointments should 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 should also be consulted.

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

In all cases, the substantive appointment will be released, and if it is agreed that the member of staff will continue in employment after the EJRA, he or she 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.

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.

(b) Submission and consideration of the request to continue

Step Three – Request to Continue



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

The request to continue working in a college appointment, or in the college part of a joint university and college appointment, beyond the EJRA should be submitted formally in writing by the Senior Tutor to Dispensations Committee as part of an agreed submission. Any request relating to the university part of a joint appointment should be made to the Director of Personnel and Related Services, in accordance with the university's procedures.

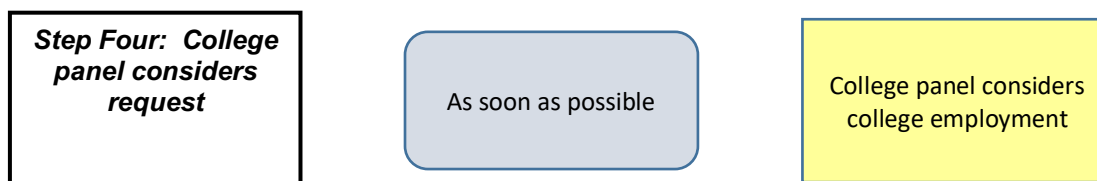
The submission should consist of, and set out clearly:

- g) the request made by the member of staff, including the proposed working arrangements and the length of extension requested;
- h) an account, agreed where possible, of how the request relates to the considerations for extensions set out in the college's policy;
- i) the view of the Senior Tutor; and
- j) in the case of joint appointments, the views of the Division and any other associated employers (e.g. the NHS or another college). If, in the case of a joint appointment, a decision has already been made with regard to the university or other employment, the outcome of this should be included.

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

The normal deadline for such requests to reach the Senior Tutor is two years before the retirement date under EJRA. Later requests may be considered in exceptional circumstances but only with the agreement of all of the relevant employers (e.g. division, department, NHS Trust). A delayed deadline will be given in cases where, within the first two years after the introduction of these procedures, it is not possible to give a full two years' notification of retirement.

Step Four – Consideration of request



All requests to continue in employment by the college beyond the EJRA, will be considered by the Dispensations Committee which will be referred to as "the panel" in the following description of procedures.

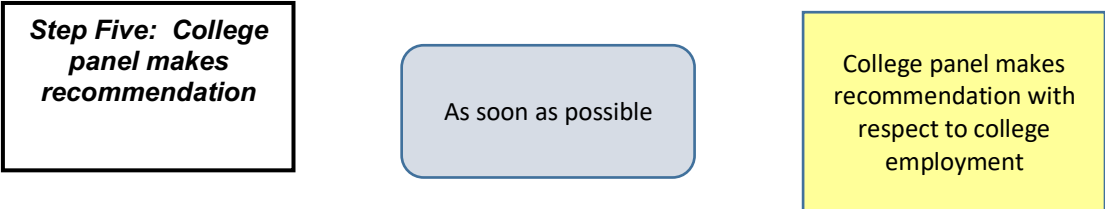
The panel will assess each request on its own merits against the criteria and in the context of the aims of the EJRA as set out above, and in the light of any exceptional personal circumstances.

In the case of the consideration of joint appointments, the chair of the panel will liaise with the chair of the equivalent university panel over matters of process, including the relative timings of the work of the two panels and the communication between the panels of their decisions, as may best suit the individual case and allow for issues relating to the joint nature of the post to be addressed.

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

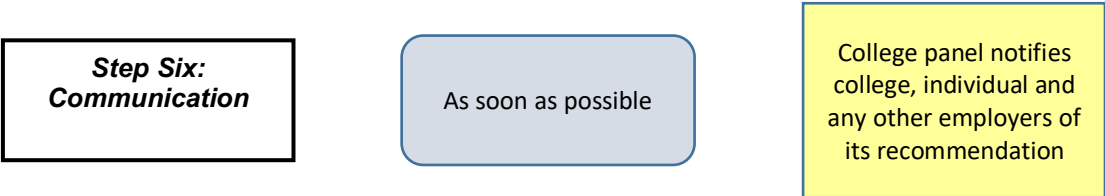
Where the college does not support the request for an extension, or, in the case of a joint appointment, where there is a difference of views between the employers, further submissions may be made in writing. It should however be recognised that each part of the joint appointment is a separate contract,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

Step Five – The panel makes a recommendation



The panel will make a recommendation to be presented to Governing Body by Fellowships Committee (in the case of Fellows) acting under By-law VIII 25 or Academic Policy Committee (in the case of Lecturers).

Step Six – Communication



The panel will inform the individual of its recommendation in writing. The letter will give reasons for the recommendation and the length of any extension proposed.

Step Seven – College makes decision



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

Where the request to continue working beyond the EJRA is rejected, the individual will be notified in writing of the right of appeal under Part V of Statute XI.

Where a decision is taken to extend employment under these procedures beyond the EJRA, the employee will be issued with a fixed-term contract, to terminate at the date set by the Governing Body in agreeing to the extension but with continuity of employment. This contract will state the details of the specific hours, duties, salary and other terms and conditions for the extension. On any occasion when the Governing Body shall agree an extension to the period of employment in accordance with this procedure, 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

Appeals against a decision made under step 7 will be heard and determined under the provisions of Part V of Statute XI by a person not employed by the College. The person hearing an appeal shall inform the College, employee and any other employer, as relevant of this decision.

25 April 2018