

ALL SOULS COLLEGE, OXFORD**POLICY****FOR THE ADOPTION OF AN EMPLOYER JUSTIFIED RETIREMENT AGE****Part One – Background, rationale and scope of the Employer Justified Retirement Age (EJRA)****I. Introduction:**

1. All Souls College has agreed to maintain a retirement age for the Warden and all academic and official fellows (with the exception of the Chaplain) employed by the College primarily to support the College's mission to sustain excellence in research and teaching and 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 and management for the College and its resources. 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 associated with the Wardenship or Fellowships 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. The EJRA will operate for an initial period of ten years from 1 October 2011. The application and outcomes of these arrangements will be reported annually to the Stated General Meeting 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 above to the Wardenship and each of the categories of Fellowship 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.

II. Aims of the EJRA:

3. The EJRA and its associated procedures are considered to provide a proportionate means of:
- safeguarding the high standards of the College in research, teaching and professional management;

- 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 and other 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, 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 College 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 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;
- facilitating flexibility through turnover in the Fellowship, especially when resources are constrained, to respond to the changing needs of the College, whether in administration, endowment management, the library, or other professional areas; and
- securing strong and active leadership as Head of House from those who have already distinguished themselves in their careers.

III. Scope:

4. The EJRA applies to the Warden and all Fellows employed by All Souls College, except the Chaplain. A separate retirement age applies to the Warden.
5. The Warden of All Souls College, whose retirement date/age is currently specified in Statute I, Cl 7(i) as 30th September following the day on which he attains the age of seventy years will continue under this EJRA policy to have a retirement date of 30th September following his seventieth birthday.
6. All existing Fellows who have a vested right as specified by Statute III, Cl. 1 (viii) to a normal retirement age of 30th September next after they attain the age of sixty-seven years will continue to have a retirement date of 30th September after they attain the age of sixty-seven years.

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

8. 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.

9. 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.

IV. Consideration of requests to work beyond the EJRA:

10. 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 II above. Applications will be approved only where, having taken account of the considerations set out below, the Warden and Fellows at a Stated General Meeting, having received advice from a College panel, are satisfied 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 College panel and subsequently the Warden and Fellows at a Stated General Meeting 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 expected to make a significant contribution to the College, for example through distinguished scholarship, for which extended employment (as distinct from Emeritus Fellowship, if applicable) is necessary, and would the loss of this contribution be unacceptable to the College and collegiate University?
- Would the Warden or Fellow'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?
- How would continued employment, compared with the opportunity arising from a vacancy, fit with the future academic and business needs of the College over the proposed period (for example, where there is a desire to develop a new field of research or to develop new management 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 College, for example on its ability to meet its 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 on the promotion of diversity?
- Is the duration of the proposed extension of employment appropriate in terms of the benefits expected to the College?
- Are there relevant personal circumstances that would properly justify exceptional treatment?

Part Two - The Process:

(a) Notification and Discussions

The College has adopted the following procedure for considering requests from the Warden and academic and official Fellows 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.

Step One – Notification

The Warden will remind all academic and official Fellows 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. In the case of the Warden, the Estates Bursar will be responsible for writing.

Transitional and special arrangements

Fellows 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 College at the earliest opportunity of their normal retirement date and of the process for requesting continuation in employment beyond that date. Fellows 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 this process will be adjusted accordingly.

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 Academic Secretary or the other Bursar in the case of Bursarial appointments.

Early exploration of all options, including flexibility in the continuation or variation of contracts, is encouraged, subject to the aims of the EJRA. In this context, a Fellow wishing to continue to work might wish to consider a variation or a new contract issued by one part of his or her employment with the College that would be compatible with retirement from the other part(s) of the employment.

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 Fellow wishes to continue in employment beyond the EJRA, they should submit their case in writing to the Academic Secretary or Estates or Domestic Bursar in good time, setting out the proposed working arrangements and the length of extension requested.

The request to continue working beyond the EJRA should be submitted formally in writing, by the Academic Secretary for academic Fellows, or by the Estates or Domestic Bursar as appropriate in the case of official Fellows in non-academic appointments, to the Warden. The submission should consist of, and set out clearly:

- a) the request as made by the Fellow, 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 Academic Secretary or Bursar setting out relevant academic or other College circumstances and background.

The Fellow 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 Warden is eighteen months before the retirement date. Later requests may be considered in exceptional circumstances and 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

The College will aim to complete the following steps as soon as possible, with the aim of ensuring that a final decision is made by the end of Trinity Term, a full year before the EJRA retirement date.

All requests to continue in employment by the College beyond the EJRA, will be considered by a panel appointed by the Warden in consultation with the Academic Purposes Committee or General Purposes Committee in the case of an official Fellow. The Panel will include a Distinguished Fellow, and, in the case of an academic Fellow, at least two academic Fellows who may consult other suitable experts as agreed by the Academic Purposes Committee. If the Academic Secretary or Bursar is responsible for presenting the case for extension to the Warden, they will not be involved in the panel.

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.

The panel will consider the request in the light of the considerations set out in section IV of the policy above, taking due account of the views of the individual Fellow and the relevant College Committee as appropriate .

Where the College supports 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.

Where the College panel does not support the request for an extension, the panel will invite the Fellow to a meeting to make his/her request for an extension in person, if they so choose. The relevant College committee will also be able to present their case and the panel may also call upon other parties as appropriate. 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 Fellow will have the right to be accompanied by a trade union representative or a colleague.

Step Five: The panel makes a recommendation

The panel will make a recommendation to the governing body on the request for extension of employment including the length of time of any such extension.

Step Six: Communication

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

Step Seven: College makes decision

The College Stated General Meeting will then decide whether to accept the panel's recommendation and will notify the individual of its decision. However, in order to ensure that an appropriate appeal procedure can be operated if required, up to four Fellows who might be involved in hearing any appeal from that decision will need to withdraw from that part of the meeting.

Where the request to continue working beyond the EJRA is rejected, the individual will be notified in writing of the right of appeal using the procedures set out in By-Law XXXV.

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 One above and set an appropriate time limit in place of that set out in Step Three above by which any application shall be made for a further extension.

Step Eight: Appeal

The College shall make arrangements to hear any appeal against a decision made under Step Seven. The body or individual hearing the appeal must be separate from the body or individual making the decision. The appeal panel shall inform the College and Fellow making the appeal of this decision.