

Jesus College

Employer-Justified Retirement Age (EJRA) Policy

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 Jesus College's EJRA.

In the context of the collegiate University's particular structure and procedures, the EJRA is considered to be an appropriate and necessary means of creating sufficient vacancies to meet the Aims set out below:

- safeguarding the high standards of the College 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;
- refreshing the academic, research and other professional workforce as a route to maintaining 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
- 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.

3. Scope

Jesus College has established an EJRA of the 30th September preceding the 70th birthday.

The EJRA applies to the holders of joint academic appointments with Oxford University employed by Jesus College, and the Principal (for whom the retirement age is stated in the Statutes)

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, having received advice from the College EJRA panel, 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 College EJRA panel 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 College EJRA Panel will take the following issues into consideration:

- 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 exceptionally to retain skills that are currently in short supply to teach a particular subject(s) or to fill a College administrative post?
- 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, or to meet research aims?
- 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 accrue the College?
- 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?

The Process

(a) Notification and Discussions

The sections below are intended to apply to academic staff on joint appointments who are eligible for membership of Congregation.

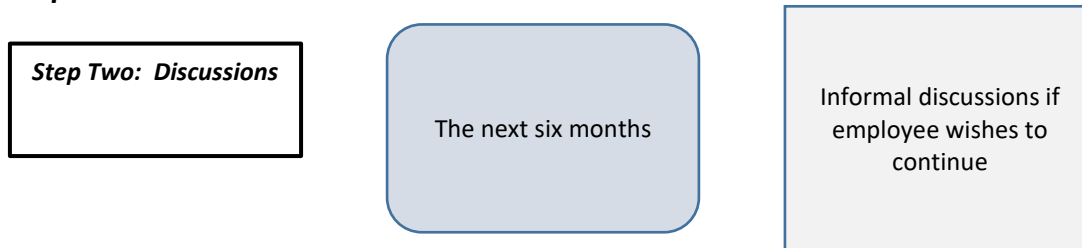
The College has adopted the following procedure for considering requests from academic staff on joint appointments who are due to retire on or after reaching the EJRA but who wish to extend their employment.

Step One – Notification



- The Principal will remind academic staff on joint appointments 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. 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.
- The Vice-Principal will remind the Principal 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. Where is judges necessary, the College may decide to give earlier notification.

Step Two – Discussions



Any staff member who wishes to continue in employment beyond the EJRA should first discuss their situation informally and in good time with the Academic Director. They 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. In the case that the Principal wishes to continue in employment beyond the EJRA, they should first consult with the Vice Principal.

Early exploration of all options is encouraged. 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, 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.

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 Academic Director (or the Vice Principal in the case of the Principal) 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, beyond the EJRA should be submitted formally in writing, to the Academic Director (or Vice Principal in the case of a request by the Principal) 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, in accordance with the University's procedures.

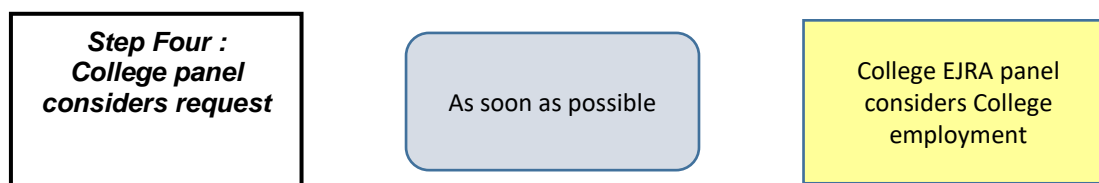
The submission should consist of, and set out clearly:

- a) the request 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) the view of the Academic Director (or the Vice Principal in the case of a request by the Principal) and
- d) 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 Principal (or the Vice Principal in the case of a request from the Principal), via the Academic Director, 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 a Standing EJRA Panel appointed by the Principal (or the Vice Principal in appropriate cases), which will normally consist of the Vice-Principal, a Professorial Fellow, two Tutorial Fellows from unrelated subjects, an external from another college, normally a Senior Tutor. The panel may take advice from the HR Director. The internal members will form the Standing Panel and the external member will be invited to join as cases arise.

Where the Academic Director or Vice Principal is required to give a view to the EJRA Panel, they shall not be a member of the panel.

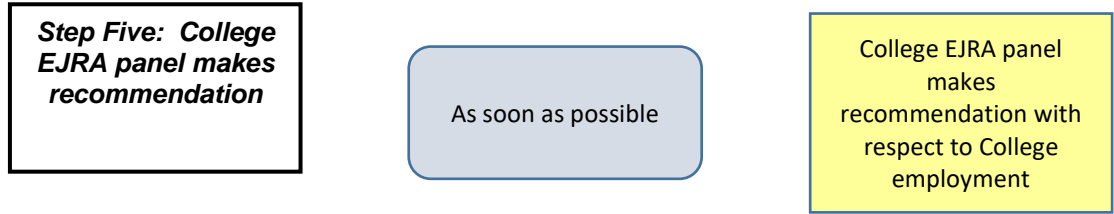
The panel will assess each request on its own merits against the considerations/criteria and in the context of the aims of the EJRA (as set out above), and in the light of any exceptional personal circumstances.

The secretary 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.

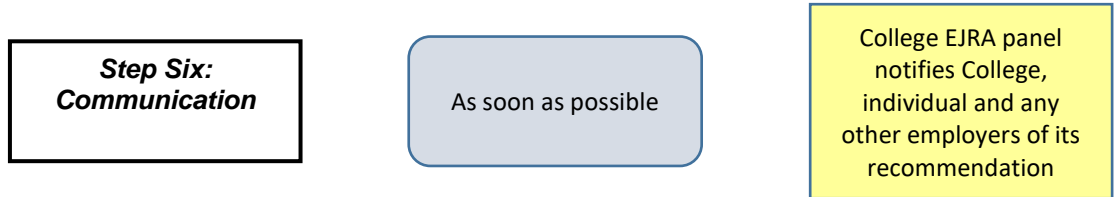
Where the College does not support the request for an extension, or where there is a difference of views between the employers, further submissions may be made in writing. It should however be recognised that each part of the joint appointment is a separate contract, and any extension granted would be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

Step Five: The panel makes a recommendation



The panel will make a recommendation to GB 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 (with reasons).

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.

The EJRA Appeal Panel will take no part in the Governing Body's deliberation and decision.

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

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

Appeal Process:

There shall be a standing EJRA Appeal Panel comprising the Legal Clerk and two other members of Governing Body. Governing Body shall appoint the Legal Clerk and two other members of the Appeal Panel to a three-year, non-renewable, term. Members of the Appeal Panel shall take no part in Governing Body's deliberation and decision on a matter under this policy.

The employee shall notify the Principal (or the Vice Principal in the appropriate case) in writing of their wish to appeal within 14 days of receipt of the Governing Body's decision. The notice of appeal shall set out the grounds of appeal, and may include any relevant documentation. The employee is entitled to be represented by another person, whether such a person is legally qualified or not, in connection with and at any hearing of the appeal.

The Academic Director or Vice Principal shall transmit to the Appeal Panel the reasoned recommendation of the College EJRA Panel, as well as any other relevant documentation.

The Appeal Panel shall hear the appeal as soon as practicable, but no later than 28 days from the Principal's or Vice Principal's receipt of the notice of appeal. The employee, or their representative, shall be entitled to make a statement and address the Appeal Panel at an oral hearing.

The Appeal Panel shall provide a reasoned, written decision. The decision shall be sent to the Principal or Vice Principal, Governing Body, and employee.

June 2023