

Employer Justified Retirement Age: Q&As

1. Why was the EJRA introduced?

The EJRA policy was introduced by the University following changes in national legislation which removed the default retirement age. Council agreed to maintain a retirement age for University academic and academic-related staff, including (in respect of their University appointments) the holders of joint appointments, primarily to support the University's mission to sustain excellence in teaching, research and administration. The Aims of the policy are set out at

www.admin.ox.ac.uk/personnel/end/retirement/revisedejra/revaim

2. Did Congregation have a say on the establishment of the EJRA?

The EJRA was established in 2011, after two rounds of consultation with Congregation, following the announcement about the abolition of the default retirement age. The legislation that underpins the EJRA and sets the retirement age at 30 September before the 68th birthday was published to Congregation in the *Gazette* in the normal way and no objections were received. It was agreed that the EJRA would operate for an initial period of ten years, with an interim review after five years.

3. Why has Oxford introduced an EJRA when other universities haven't?

Oxford and Cambridge Universities have both introduced an EJRA. Oxford believes that, in the context of the University's particular structure and procedures, the EJRA is an appropriate and necessary means of meeting the Aims set out at www.admin.ox.ac.uk/personnel/end/retirement/revisedejra/revaim.

4. Who is covered by the EJRA?

The EJRA applies to all academic and academic-related staff at the University (ie all staff in grade 6 and above). There is no EJRA for support staff.

5. What is the University's Appeal Court?

The Appeal Court is the internal review body which hears appeals against dismissals of academic and academic-related staff for retirement; its functions are set out in [Statute XI, s.18.\(1\)](#) and in [Part H of Statute XII](#). The Appeal Court has five members who are not members of the University and who are: a Lord or Lady of Appeal, a Lord or Lady Justice of Appeal, or a Justice of the High Court of Justice (current or retired); or, a Queen's Counsel of not less than six years' standing. One member of the Court presides and makes a decision in each case brought before it.

6. What concerns did the University Appeal Court raise in 2014?

In September 2014 the presiding judge in the University Appeal Court raised a number of concerns relating to different aspects of the EJRA.

Following the appeal Council approved revisions to the Aims and Procedure of the EJRA in order to address concerns raised by the Appeal Court judge and to take account of developing case law. It also set up a working party to undertake a thorough review of the EJRA based on an evidence-based analysis of the policy's impact over a five-year period and in the context of the latest case law.

7. Doesn't the Appeal Court ruling make the EJRA policy unlawful?

The court is a body constituted by the University, which hears individual appeals against dismissals of academic and academic-related staff for retirement. It is an internal process and is not part of the formal judicial system; as such, its findings do not have the status of the findings of an external court of law. Each case is judged individually on its merits and the decision of the court does not set a binding precedent in other cases.

8. Has the University implemented the rulings of the Appeal Court?

In light of the comments from the Appeal Court judgment some minor editing of the Aims of the EJRA was made where clarification was needed. The exceptions procedure was also revised to address comments made by the Appeal Court and to take account of relevant case law. The revised procedure has applied since 1 October 2015.

9. Who is on the EJRA working party?

The members of the working party are as follows:

- Professor Irene Tracey, Medical Sciences Division
- Professor Gideon Henderson, Mathematical, Physical and Life Sciences Division
- Professor Sandra Fredman, Social Sciences Division
- Professor Lyndal Roper, Humanities Division
- Mr Richard Ovenden, Academic Services and University Collections
- Dr Saira Shaikh, Divisional Secretary, Mathematical, Physical and Life Sciences
- Dr Ian Watson, Council member elected by Congregation
- Dr Rebecca Surender, Pro-Vice-Chancellor and Advocate for Diversity
- Professor Jeremias Prassl, Conference of Colleges Legal Panel
- Dr Ali Rogers, Conference of Colleges Senior Tutors' Committee

10. When will the EJRA working party report?

The EJRA working party is due to report to Personnel Committee in Hilary 2017 once it has had the opportunity to collect and analyse data on staff retirements and diversity for the five-year period up to 1 October 2016.

11. What material will the EJRA working party use in conducting its review?

The working party will review the decision of the Appeal Court and legal advice, and will have the assistance of lawyers in considering the documents. Other evidence available to the working party will include internal data on the operation of the EJRA since its inception and the composition of the relevant staff groups and information about retirement in other universities.

12. Why is the EJRA not being reviewed until it has been in operation for five years?

Council was concerned to see that any overarching review of the EJRA policy should have the benefit of sufficient data on which to base reasoned recommendations in the event that changes might be considered desirable. However, the first two years of data is not representative as the retirement age for most staff was moved from 65 to 67 on the introduction of the EJRA in October 2011.

A review at five years will therefore be able to draw on three years' worth of representative data on the impact of the EJRA and the exceptions procedure. It will also be able to take into consideration the effect of the absence of a retirement age on the staffing profiles of other universities, plus any recent case law.