

HR Policy and Procedures

Section: D42	
Title:	Flexible Working and Retirement Policy
Purpose:	To provide guidance for staff on their rights to request flexible working and flexible retirements and provide a procedure to manage any requests
Operational contact:	YourHR Operational Team & Schools Nominated Officer
Policy contact:	Faye Parrett, HR Change & Strategy Team, 01384 814986, faye.parrett@dudley.gov.uk
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1.0 Purpose of Policy

The purpose of this policy is to provide employees with clear advice and guidance on their rights to request flexible working and flexible retirement and provide a procedure to manage any requests to alter working hours and to apply for flexible retirement.

Where alteration in hours is referred to in the policy this refers to flexible working requests to include time off to care for dependants on a long term basis and reduction in hours to effect flexible retirement.

2.0 Scope of Policy

This policy applies to all staff employed, both teaching and non teaching, including the Headteacher.

3.0 Aims of the Policy

The aim of this policy is to provide a fair and consistent process for managing voluntary alteration in hour's requests. The School/Academy believes that flexible working can increase motivation, promote work-life balance, reduce employee stress and improve performance and productivity.

4.0 Flexible Working Requests - Introduction

With effect from 30 June 2014 every employee has the statutory right to request flexible working after 26 weeks employment service.

The School/Academy recognises that all employees may wish to bring about a work-life balance for many reasons and therefore offer the opportunity to all employees to apply to alter or reduce their hours of work for the School/Academy to consider.

There is a current provision to approve requests for special unpaid leave within the Schools Special Leave Policy. This provision is unaffected by the arrangement outlined in this document.

Any employee can **request** a voluntary alteration in their standard working hours, and the decision whether or not to agree to such will be based on the practicality of rearranging the employee's hours to the degree requested, the length of time involved and any implications for the School/Academy.

While there are clearly situations where special leave provisions are appropriate, other situations exist where employees wish to request a voluntary change in their hours on a daily, weekly or monthly basis as opposed to a period of unpaid leave. This policy sets out a framework in which agreeing to change hours can be applied in a structured way.

5.0 Eligibility

All School/Academy employees with 26 weeks of service are eligible to request a change in their hours. The onus is initially on the employee to prepare a carefully thought out request, in writing, well in advance of when they would like the arrangement, if agreed, to commence. Those employees that may experience difficulty in preparing their request (employees with particular disabilities or whose first language may not be English) and do not have access to support are encouraged to contact their Trade Union for further advice.

Each application will be considered individually by the Headteacher or nominee (with one appeal to a Governors Appeals Committee). Whether an application is approved or not will depend on the individual circumstances of each case. The School/Academy may seek advice from YourHR throughout this process if required. Consideration will be given to:

- Any financial implications of agreeing to the request;
- The potential impact upon the individual should the request not be granted;
- The impact on the quality and performance of service delivery, customer requirements and other staff and
- The educational/standards and impact upon the pupils.

The policy will be operated in accordance with the School/Academy Equality and Diversity Policy. No request will be refused without having seriously considered if the request can be accommodated and the impact that the change in working hours may have on the School/Academy. Moreover, no request will be declined on the grounds of the protected characteristics as defined by the Equality Act 2010.

The particular reason for requesting a change in hours will not be taken into account when considering a voluntary reduction or alteration in hours **except** in the following circumstances where it may be beneficial for the employee to reduce or alter their hours on a temporary basis if necessary.

- On an employee's return from maternity/adoption leave;
- In cases of long-term sickness or health; or
- In cases of disability as a reasonable adjustment.

If making a request to alter working hours/pattern of work following an independently identified medical reasonable adjustment, section 11 will not apply.

The seniority, management or supervisory duties of a post will not exclude the post holder from consideration for a voluntary reduction in hours or an alteration in hours, but it may mean that a change in working hours cannot be accommodated without carefully considering the impact it may have on other employees, children and standards.

6.0 Types of Alterations/Reductions

The following are examples of changes in hour arrangements. It should be noted that this is not an exhaustive list.

- A permanent reduction in hours;
- A temporary reduction in hours;
- Days per week reduced;
- Hours reduced per day (working pattern change).

7.0 Reallocation of Hours

When considering a request to change hours, the Headteacher or nominee will consider the effects on the School/Academy. The Headteacher will have to be satisfied that the nature of the work allows for the alteration in hours, or that the duties can be carried out by making other arrangements. The options that may be considered are that:

- The work can still be covered;
- The nature of the work is such that there is no need for reallocation of work;
- The work is reallocated as necessary without any need for compensatory extra hours or pay. Where there is a need to reallocate work, the effect on other employees must be subject to consultation with those employees potentially affected and also trade union consultation where necessary;
- The hours need to be replaced, and are either replaced on a permanent basis or a temporary basis (subject to approval from the Governing Body);
- The application is rejected because the desired working pattern cannot be accommodated within the needs of the service.

8.0 The Process

8.1 Making a Request

Employees should submit a voluntary alteration in hours request, where possible, in writing to their Headteacher or named nominee. It is recommended employees use the form within appendix 1 to ensure all required information is provided.

The request must cover the following:

- Whether the request is flexible retirement or a voluntary alteration in hours;
- Current hours / pattern of work;
- Whether the request is based on a temporary or permanent change in hours;
- Date of previous requests (if relevant);
- Details of the flexible working pattern being requested;
- The total number of hours being requested;
- When the pattern being requested will ideally commence;
- Whether the applicant is making their request in relation to the Equality Act 2010.

The Headteacher or nominee will then seriously consider the request made, taking into consideration the points in section 7. The Headteacher will meet with the employee within 28 working days of receiving a valid request to discuss the request and obtain further information if required, before making a decision. The employee has the right to be accompanied at the meeting and any future meeting in this policy by a representative who may be a recognised trade union representative, trade union official or a fellow worker. The timescales can be extended by mutual agreement.

If the employee fails to attend the meeting a further meeting should be arranged. If the employee fails to attend the second meeting (without good reason) to discuss a request in relation to voluntary alteration in hours the Headteacher may treat the request as withdrawn. In this case, the Headteacher must confirm in writing the application is being treated as withdrawn.

8.2 Making a Decision

An employee has the automatic right to make a request and to have that request seriously considered by the School/Academy. The School/Academy, however, is not under any statutory obligation to grant a flexible working request if it cannot be accommodated.

The Headteacher or nominee need to seriously consider the impact of such a request and should meet with the employee within 28 days to discuss the request in more detail and to ensure that the proposal being put forward is the best solution for both the employee and the School/Academy.

The Headteacher or nominee should carefully look at the benefits of the requested changes in working conditions and the impact of implementing the changes.

The following points are business grounds on which the School/Academy may refuse a request:

- The burden of any additional costs is unacceptable to the organisation;
- An inability to reorganise work among existing staff;
- Inability to recruit additional staff;
- The School/Academy considers the change will have detrimental impact on quality;
- The School/Academy considers the change will have a detrimental impact on the School/Academy ability to meet customer demand;
- The School/Academy considers the change will have a detrimental impact on performance;
- There is insufficient work during the periods the employee proposes to work;
- Planned structural changes, for example, where the employer intends to reorganise or change the business and considers the flexible working change may not fit with these plans.

Each request must be considered on a case by case basis, agreeing to one request will not set a precedent or create a right for another employee to be granted a similar change to their working pattern.

8.3 Notifying the Employee of the Outcome

The Headteacher or nominee will have met with the employee within 28 working days of the request being made to discuss the request. It may be possible, within this meeting to formally communicate the decision that has been made, however on other occasions a further meeting may need to be arranged after further consideration. The employee is entitled to representation at the meeting.

8.3.1 Agreeing the Request

In some cases the request will be agreed in its entirety. At the meeting any specific conditions of the request (see section 9) will be explained to the employee and operational issues should be discussed and agreed upon. The outcome of the meeting should be confirmed in writing within 10 working days of the meeting.

8.3.2 Alternative Solutions

In some cases it may not be possible to agree to the request in its entirety, however an alternative solution may be possible e.g. a modified version of the request or it may be granted temporarily. At this meeting this should be discussed and explored in order to attempt to reach a mutually agreeable position and the final outcome confirmed. The outcome of the meeting should be confirmed in writing within 10 working days of the meeting and the right of appeal confirmed.

8.3.3 Refusing the Request

In some cases it may not be possible to agree to the request. The meeting needs to formally communicate the outcome of the decision with the reasons for the refusal being shared. The outcome of the meeting should be confirmed in writing within 10 working days of the meeting and the right of appeal confirmed.

9.0 Terms and Conditions of Service

All changes will be on a permanent basis, unless otherwise requested and agreed. New terms and conditions of service will be issued to the employee.

When agreeing to a change or reduction arrangement, it is the responsibility of the Headteacher to specify a review period, if the change has not been requested and agreed on a permanent basis.

A letter agreeing to the change of hour's arrangement should include details of the change in hours, together with information about any review period and required return to the original working agreement if the new arrangement is found to be unsatisfactory.

Following review, if the arrangement does not work out satisfactorily for either party, full discussion should take place between both parties (the employee may be accompanied by a representative) to seek a resolution to the issues concerned. If no reasonable solution can be achieved, the voluntary alteration in hours will cease from a date to be agreed at which point the employee will return to their original terms and conditions.

If the arrangement has worked following review, the changes in hours are then confirmed as a permanent change with immediate effect.

9.1 Pay

Pay will be reduced on a pro rata basis to the hours as appropriate.

9.2 Leave and Pay Arrangements

Annual leave will be reduced on a pro rata basis for all reduced hours, but is unaffected by leave without pay. In cases where the Voluntary Alteration in Hours arrangement is not fixed i.e. to be taken like annual leave, local arrangements need to be made to approve and record the leave. The arrangements for pay reduction are also for local negotiation, however, it is administratively less time consuming to arrange for a fixed deduction from pay each month.

The Headteacher will notify YourHR to allow salary changes to be made.

9.3 Cessation of Temporary Arrangements

At the end of the agreed temporary arrangement the Headteacher or nominee will formally meet with the employee to review the temporary arrangement and confirm that the arrangement will cease. The employee will revert back to their original terms and conditions of their substantive post. This will be confirmed in writing and YourHR notified.

9.4 Working Days

When a request to reduce working hours is made, an agreement will normally be reached about which working days the

employee will work. The School/Academy reserves the right to review the working days of the employee each academic year to take into account the needs of the School/Academy and other employees.

This should be documented and agreed at the outset so the employee understands that their working days may need to change. Documentation of any annual review should be kept for future reference.

10.0 Right of Appeal

If the voluntary alteration in hours request is not granted, then the employee has the right to appeal. The appeal must be submitted in writing using the form in appendix 2 to the Chair of Governors within 10 working days of receiving the letter confirming the outcome of the request.

The Chair of Governors will arrange for the Governors Appeals Committee to be convened to consider the request, the reasons for refusal and the employee's grounds for appeal normally within 14 working days of the appeal being submitted. The committee will convene a meeting with the Headteacher and the employee to discuss the appeal. The employee has the right to be accompanied at the meeting and any future meeting in this policy by a representative who may be a recognised trade union representative, trade union official or a fellow worker. The timescales may be extended by mutual agreement if a meeting is necessary to consider appeal.

The appeals committee will respond to the employee in writing within 10 working days of the meeting. There is no further right of appeal.

11.0 Frequency of Requests

One request can only be made in any one 12-month period. If successive requests are made, the date of the last application to voluntarily alter hours should be specified on each application.

12.0 Flexible / Phased Retirement

Flexible retirement is a change from retiring at the planned retirement age to a more flexible approach, so that employees can better plan

their retirement financially and socially and make a gradual adjustment at the end of their working lives.

Flexible Retirement provides the opportunity for an employee to continue working on reduced hours of work or at a lower grade whilst drawing their accrued pension benefits. It will also benefit the School/Academy by retaining experienced staff with valuable skills and enable better succession planning.

12.1 Eligibility Criteria - Local Government Pension Scheme

To be considered for flexible retirement an employee must meet the eligibility criteria and must be prepared to reduce their hours of work by at least 30% of their contracted hours of work or reduce their grade by 30%. Therefore the employee must:

- Be aged between 55 and 74 (74 is the maximum age for admission to LGPS);
- Have 3 or more months' membership of the LGPS or have transferred the equivalent pension rights into the LGPS;
- Reduce their hours of work in their current job by at least 30% or
- Reduce their pay by at least 30% by taking up a vacant post at a lower grade.

The employee must make the request for flexible retirement in writing, giving details of the new hours that they will to work.

12.2 Requests

When a request is received for flexible retirement the stages within this policy should be followed. If the Headteacher feels that the new hours can be accommodated, advice should be sought from YourHR and a pension estimate from the Council's Pension Co-Ordinator must be obtained. Where there is a post vacant that will facilitate a 30% pay decrease this will be explored. Posts will not be created to provide flexible retirement opportunities.

Flexible retirement will only be considered for employees that meet the eligibility criteria stated above and each case will be looked at on an individual basis. Applications made by employees who are current members of the Local Government Pension Scheme will also be bound by the Dudley MBC's policy

statement on early payment of pension. If such applications are to be granted then the reduction of hours saving must be sufficient to cover the capitalised cost from the pension fund within the financial year that the request was granted.

If the request is granted, the Headteacher must inform the employee and the Pensions Pension Co-Ordinator within YourHR in writing of the new hours and date of effect. Arrangements will also be made for the employee to receive a new contract of employment.

The School/Academy/Council will not waive any actuarial reduction to an individual's pension benefits that arise as a consequence of an application being approved.

When the employee commences on their new contract of employment, continuous service is maintained. Accrued terms and conditions of employment (such as annual leave; occupational sick pay; redundancy) will still apply on a pro-rata basis providing, of course, that there is no break in service between the 'former' and the 'new' appointment.

With regard to the employee's 'new' employment on reduced hours/ grade he/she is able to join the LGPS in respect of this employment, and to build up another pension. Membership of the scheme would start again relative to the 'new' employment, and previous membership would not count towards the second pension.

Once the request has been granted, the reduction in hours will be a permanent change and there will be no review period, a new contract of employment must be signed by the employee. This is because there must be a reduction in order to receive pension benefits.

Any further changes in hours of work must be pursued through this policy in the normal way, but the employee must not increase his/her working hours to the same as or more than their original contract and any changes must not have a detrimental impact on capitalised cost i.e. this must still be covered.

If the request is refused the same procedure as set out in sections 7 will apply, including a right of appeal.

12.3 *Phased Retirement – Teacher's Pensions*

Phased retirement is available to those aged 55 and over who, with the agreement of their employer, change the capacity in which they are working so that their pensionable salary is

reduced by at least 20% compared to the average of the salary they have received during the preceding six months. The reduction in salary, which must last for at least 12 months, could be as a result of moving to part time work or taking up a post with less responsibility.

Employees wishing to take a phased retirement, should contact Teacher's Pensions for advice or review their website for more information.

12.4 Sources of Information

Information on flexible retirement is available through the West Midland Pension Fund, website: www.wmpfonline.com or by contacting the Council's Pension Co-Ordinator.

Information on Teachers phased retirement is available from Teacher's Pensions, website: www.teacherspensions.co.uk.

13.0 Monitoring and Review

The Governing Body and Headteacher will review the operation and effectiveness of the School/Academy flexible working and flexible retirement arrangements.

**APPLICATION TO WORK REDUCED / ALTERED HOURS /
FLEXIBLE RETIREMENT (delete as appropriate)**

Name:	
Job title:	
Request type:	Temporary / Permanent (delete as appropriate)
If temporary, preferred review date:	
Current working hours and working pattern:	
Working hours and working pattern being requested:	
Preferred start date of the change:	
Is the request being made as a reasonable adjustment due to a disability:	Yes / No (delete as appropriate)
Why is the change being requested:	
Have you ever raised a previous request:	Yes / No
If yes, date of last application:	
Any other further information in support of your request:	

Signature:
Date handed to Headteacher:

Management Response: (return to the individual within 28 working days)

Signature:

Date of Response:

Flexible Working and Retirement Process

