**Flexible Retirement – Guidance Notes**

1. **When will an application for Flexible Retirement not be supported?**

Attempts will be made where practicable and operationally and financially feasible to accommodate Flexible Retirement requests, subject to all the eligibility conditions in the policy being met.

If any of the conditions are not met, the application would be turned down. Even if the conditions are met, there is no obligation on the Council to support an application for Flexible Retirement, it being discretionary whether cases are granted.

Examples of where cases could be refused for reasons of lack of practicability or operational or financial feasibility would be as follows:-

**Request linked to a reduction in hours**

* Where the manager and employee cannot agree a reasonable reduction in hours to enable the filling of the other part of the post.
* Where there were significant workload implications for other employees if the arrangement were to proceed.
* Where there is a significant ‘strain on the fund’ cost in relation to a case.

**Request linked to a reduction in grade**

* Where the employee doesn’t meet the requirements on the job profile of the particular vacant post they wish to transfer to.
* Where the employee’s transfer inhibits the career progression of others leading to potential retention problems or grievances.
* Where the employee’s transfer will restrict the ability to redeploy another employee whose employment is at risk.
* Where there is an objective factor (such as a budget reason) that may affect the justification of the transfer.
* Where there is a significant ‘strain on the fund’ cost in relation to a case.

1. **Employees who are not members of the pension scheme**

The Flexible Retirement Scheme does not apply to employees who are not members of the Local Government Pension Scheme.

Any non-pension scheme member who wished to reduce their hours should speak to their line manager in the first instance and refer to the Smarter Working Guidance. Details are contained in the Smarter Working Guidance of how to deal with a statutory request for flexible working linked to a caring responsibility. Any non-pension scheme member who wished to move to a lower graded post would require to apply for such a post through the normal recruitment and selection process.

1. **In what circumstance would it be permitted for an employee to submit more than one request for Flexible Retirement in a particular year?**

Normally, only one request can be submitted by an employee for Flexible Retirement in any one calendar year.

This is to avoid administrative inefficiency through the repeated submission of a request that has already been turned down for operational or financial reasons, where there has been no change in the circumstances of the case.

There may arise, on occasion, an exceptional circumstance where the Council would permit more than one request to be submitted by an employee in a calendar year. An example of such a circumstance would be where a reorganisation/restructuring was being undertaken in the employee’s section subsequent to the original request and the granting of the Flexible Retirement request would enable the Council to achieve a business objective in relation to the reorganisation/restructuring.

1. **What should be considered in relation to Flexible Retirement requests linked to a reduction in hours?**

In relation to requests linked to a reduction in hours, managers should firstly consider that a reduction in hours is operationally and financially feasible and whether or not to fill the other part of the post. The employee seeking flexible retirement would become part-time under a part-time contract if the request is approved. The other part of the post may be either filled, deleted or possibly converted into a different type of position or moved to another section (with relevant authority through the preparation of a business case or from Committee where necessary). This measure may help secure a cost or business efficiency for the Council.

Any implications for the workload, duties and responsibilities of other employees in the particular section would be fully considered beforehand with appropriate consultation undertaken with staff and trade unions in advance of any decision to proceed.

1. **Option for employees to access their pension benefits in full or in part**

Where a Flexible Retirement request is approved by the Council, the employee will have the option, under the pension regulations, to access their pension benefits either in full or in part (and to continue working for the Council on fewer hours and/or in a lower grade post). It would be the employee’s decision as to whether they wished to access all or only part of their accrued pension benefits.

Employees will be able to have a discussion with the Pensions Section early in the process in order that information can be given on the options. A quotation would be produced for the employee also early in the process for consideration and the employee may wish to take independent financial advice, where required. The cost of any independent financial advice would be met by the employee.

1. **Flexible Retirement and Service Restructuring**

Flexible Retirement requests are always initiated by the employee and must result in a reduction in hours and/or a move to a lower graded post (in accordance with the conditions in the scheme). Where a manager is also able to undertake some minor restructuring by accommodating the employee’s request, there may be an opportunity to achieve an organisational objective as well as meeting the employee’s personal requirement. Managers should bear this in mind when considering employee Flexible Retirement requests.

1. **Rule of 85 cases**

In the Flexible Retirement Scheme, it states that ‘where an employee who is 55 or over seeking Flexible Retirement meets the Rule of 85 and the case is approved, the Council automatically meets the ‘Strain on the Fund’ cost. Hence, in these cases the ‘Strain on the Fund’ cost requires to be carefully scrutinised in advance of any decision being taken to ensure affordability, with the Chief Officer being consulted as part of the assessment.