



**Tudhoe Learning Trust**

# **School Support Staff Flexible Retirement Policy**

**Approved by:** Trust Chief Executive  
Officer

**Date:** September 2022

**Last reviewed on:** September 2022

**Next review due by:** September 2024

## Contents

### Policy Outline

1.1 What is the policy about? .....	3
1.2 Who does the policy apply to? .....	3
1.3 Eligibility .....	3
1.4 Cases in which flexible retirement will be approved .....	3

### Procedure

2.1 Flexible retirement background .....	3-4
2.2 Flexible retirement options .....	4
2.2.1 Option 1 - Appropriate and manageable reduction in working hours .....	4
2.2.2 Option 2 - Reduction in grade/reduced responsibilities .....	4
2.3 How will the Trust make a decision regarding flexible retirement? .....	4
2.4 How to apply for flexible retirement?.....	5
2.4.1 To apply for an appropriate and manageable reduction in working hours .....	5
2.4.2 To apply for a possible reduction in grade .....	5
2.5 How will the Trust deal with any requests?.....	6
2.5.1 Role of the Head Teacher .....	6
2.5.2 Process if proposed request can be agreed .....	6
2.5.3 Process if the Trust is unable to agree initial request .....	6
2.6 Representation .....	6
2.7 Timescales .....	6
2.8 Effective date of implementation of flexible retirement policy .....	6
2.9 Withdrawal of request for flexible working .....	7
2.10 Appeals .....	7
2.11 Pension Implications .....	7
2.11.1 Benefit reductions.....	7
2.11.2 Cost implications .....	8
2.11.3 Estimates of pension benefits.....	8
2.11.4 Continued LGPS membership .....	8
2.11.5 Break in Service .....	8
2.12 Preparing for retirement.....	8

### Tools

3.1 Flowchart .....	9
3.2 Request for Flexible Retirement Form.....	

### Further Information

4.1 Confidentiality .....	17
4.2 Publicising/distribution of the policy.....	17
4.3 Reviewing the Policy .....	17
4.4 Equality Impact Assessment.....	17
4.5 Contact Details.....	17

## Policy Outline

### 1.1 What is the policy about?

The Trust is committed to adopting a more flexible approach to retirement and recognises the benefits it can have for both employees and our Trust Schools as a whole. This policy outlines the Trust's flexible retirement options and processes.

### 1.2 Who does the policy apply to?

This policy covers all support staff in Trust Schools who are in the Local Government Pension Scheme (LGPS).

### 1.3 Eligibility

Your LGPS pension is payable in full from your [Normal Pension Age](#) which is linked to your [State Pension Age](#) (but with a minimum of age 65). However, you can choose to retire and take your pension from the LGPS at any time from age 55 to 75, provided you have met the 2 years [vesting period](#) in the scheme. If you choose to take your pension before your Normal Pension Age it will normally be reduced, as it's being paid earlier. If you take it later than your Normal Pension Age it's increased because it's being paid later. You must take your benefits in the LGPS before your 75th birthday.

### 1.4 Cases in which flexible retirement will be approved

The Trust will only approve applications for flexible retirement where there is a clear business reason for doing so and taking into account any financial implications which the school could incur.

## 2 Procedure

### 2.1 Flexible retirement background

The Local Government Pension Scheme (LPGS) allows scheme members from age 55 to consider a gradual move into retirement by flexibly retiring. You may request to reduce your hours or move to a less senior position, provided you have met the 2 years [vesting period](#) in the scheme and your employer agrees. You can take some or all of the pension benefits you have built up, helping you ease into retirement.

If your employer agrees to flexible retirement you can still draw your wages / salary from your job on the reduced hours or grade and continue paying into the LGPS, building up further benefits in the scheme.

For further informaton visit the [LGPS member site](#)

The Trust will consider applications made under 'flexible retirement' on an individual basis. Decisions will be made on the merits of each case, considered in the following context:

- a) The proposed reduction in hours or grade required to facilitate flexible retirement must be compatible with the requirements of the School. The required reduction in hours or grade will only be allowed provided it does not adversely affect the School in which the employee is located.
- b) The Trust will not allow a flexible retirement request which causes a cost to the School except in exceptional circumstances which will be determined by the Trust. The School will not pay

additional sums into the Fund to allow anyone retiring in this way to have unreduced benefits except in exceptional circumstances. Exceptional circumstances for the purposes of this paragraph are for example:

- i. where the Trust deems it to be in the interests of the School to pay the cost and there are sound financial reasons for doing so

OR

- ii. on the grounds of compassion where in the opinion of the Trust, the special factors surrounding the application, along with the appropriate supporting evidence provided, justify such agreement. Any such agreement should also take into account the School's ability to meet the cost of granting such a request.

## **2.2 Flexible retirement options**

There are two options available for employees wishing to apply for flexible retirement.

### **2.2.1 Option 1 - Appropriate and manageable reduction in working hours**

Any eligible employee can request an appropriate and manageable reduction in their normal working hours.

### **2.2.2 Option 2 - Reduction in grade/reduced responsibilities**

Any eligible employee can request a reduction in grade if possible or apply for a lower graded post under the Trust's Recruitment and Selection policy.

## **2.3 How will the Trust make a decision regarding flexible retirement?**

Flexible retirement can have advantages for the individual and for the School. The individual is able to avoid a sudden switch from full time working to retirement and can instead move into retirement more gradually. The School can benefit from being able to retain the skills of experienced employees for longer and this will allow better succession planning.

It is important that a positive effort is made to come to a workable solution when any request for flexible retirement is made. However, when considering a request for flexible retirement the business needs of the School are paramount and all financial implications will need to be explored and presented by the HR Manager to the Trust Chief Executive Officer for consideration prior to an agreement being given.

When considering flexible retirement requests the Trust will consider the following:

- Burden of additional costs to the School
- Detrimental effect on any ability to meet service needs
- Inability to reorganise work amongst existing employees
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural change

Any explanation to employees would require more than just providing a reason from the above list. Specific details must be included, outlining the business reasons.

## **2.4 How to apply for flexible retirement?**

### **2.4.1 To apply for an appropriate and manageable reduction in working hours**

To apply under flexible retirement for an appropriate and manageable reduction in working hours an employee must complete a request form in full and return the completed form to their Head Teacher or manager.

Making a request does not give employees an automatic right to flexible retirement, as there will always be circumstances where the School is unable to accommodate requests. However, on behalf of the Trust, the Chief Executive Officer will consider all requests seriously and will only refuse where there is a clear business reason for doing so.

Any requests for a reduction in working hours will be regarded as a permanent change to contract and there will be no right to revert back to the former arrangements unless otherwise agreed by the Head Teacher in consultation with the Trust HR Manager.

### **2.4.2 To apply for a possible reduction in grade**

To apply under flexible retirement for a possible reduction to grade or move to a lower graded post an employee must complete a request form in full and return the completed form to their Head Teacher.

For a reduction in grade to be feasible the request would need to meet with the business needs of the School and there will need to be a change to the job description to reflect any reduced responsibilities in grade. Note that any adjustments to an employees' job description may result in the re-evaluation of the post being required. Contact the Trust HR Manager for advice.

It is likely that a reduction in existing grade would only be an option where the School is currently undertaking a restructure, has a vacant post of a lower grade, or where the employee's School is reducing. Alternatively, if this cannot be accommodated within the employee's own School through reduction or removing of duties, the employee will need to apply for lower graded posts under the Trust's Recruitment and Selection policy in fair and open competition with other applicants.

Any requests for a reduction in grade will be regarded as a permanent change to contract and there will be no right to revert back to the former arrangements unless otherwise agreed.

As above, making a request does not give employees an automatic right to flexible retirement, as there will always be circumstances where the Trust is unable to accommodate requests. However on behalf of the Trust, the Chief Executive Officer will consider all requests seriously and will only refuse where there is a clear business reason for doing so.

## **2.5 How will the Trust deal with any requests?**

### **2.5.1 Role of the Head Teacher**

The Head Teacher will receive the completed request form and give consideration as to whether the request can be accommodated in accordance with the needs of the School. The Head Teacher will present the completed request form to the Trust HR Manager whom will review all implications of the request and discuss with the Trust's Chief Executive Officer.

### **2.5.2 Process if proposed request can be agreed**

If the Chief Executive Officer supports the proposed changes and the school can accommodate the request the HR Manager will advise the Head Teacher and the employee of the agreed change together with the effective date of the change. This should normally be finalised within 20 school days of receipt of the initial flexible retirement request.

### **2.5.3 Process if the Trust is unable to agree initial request**

After receiving the completed request form, the Head Teacher and the Trust HR Manager should aim to meet with the employee to discuss the request within 20 school days. This provides an opportunity to discuss the request in more detail and consider how it might best be accommodated. It also provides an opportunity to consider alternative reductions in working hours should there be problems in accommodating the initial request or discuss how work could be reallocated. Ultimately, as there is no guarantee, the request could be declined for business reasons.

## **2.6 Representation**

Employees will have the right to be accompanied at any meetings by a trade union representative or work colleague.

## **2.7 Timescales**

Where employees are applying for a job at a lower grade, the Trust cannot give timescales as it will depend on the availability of suitable jobs and the Trust's recruitment and selection programme.

Sometimes it can be difficult to place a timescale on changes to working hours therefore it is recommended that employees ensure they make their requests well in advance of when they would like to implement any changes.

Employees can only make a request for flexible retirement once in any 12 month period.

## **2.8 Effective date of implementation of flexible retirement policy**

Any requests for reduction in hours or grade must be done at the same time as requesting any access to pensions.

Employees will not be able to request a reduction in grade or hours at one point then make a later request to access pensions.

## **2.9 Withdrawal of request for flexible working**

If an employee wishes to withdraw a request for flexible retirement at any stage of the process, they must do so in writing to their Head Teacher. Once an employee has withdrawn their request for flexible retirement they will not be able to make another request until 12 months from the date their original request was made.

## **2.10 Appeals**

The employee has 10 school days from receiving notification of any rejection to set out their grounds for an appeal in writing.

The Head Teacher must set up an appeal hearing, ideally within 10 school days of receiving the employee's request for Appeal. The Appeal meeting should be at a time and place convenient to all those involved. Ideally a panel of Directors from the Board of Directors should hear the appeal - it must be someone who was not involved in the original decision.

The employee should be advised within 10 school days of the decision from the appeal. If the request for change is accepted, the guidance outlined previously should be followed. If it is refused, details of the grounds for rejection must be set out, including an explanation of why they apply. This is the last stage in the decision making process and any decision is final.

## **2.11 Pension implications**

This section is only intended to provide guidance. Employees are strongly advised to seek independent financial advice. Employees can access their pension information online via [Accessing your pensions information online - Durham County Council](#) and/or contact the Pensions Group on 03000 264322 for general advice in relation to pensions. Employees are reminded that the Pensions Group cannot provide independent financial advice and it is very important that independent financial advice is sought regarding flexible retirement.

### **2.11.1 Benefit reductions**

Employees who meet the 'rule of 85' will not have their benefits reduced for early payment if they are allowed to take flexible retirement. However, if you are under age 60 and meet the 'rule of 85' this means the School will have to pay extra into the pension fund to provide these unreduced benefits if you are allowed to take flexible retirement.

Employees who do not meet the 'rule of 85' should be aware that reductions will be applied to their benefits if they take flexible retirement before the age of 65.

### **2.11.2 Cost implications**

Any costs resulting from employees being allowed to take flexible retirement will be an important factor in determining whether there is a business case to allow flexible retirement.

### **2.11.3 Estimates of pension benefits**

It is important that estimates of benefits are obtained before a request for flexible retirement is made. Employees should also consider taking independent financial advice before taking flexible retirement - a list of independent financial advisers can be obtained from: <http://www.unbiased.co.uk>

### **2.11.4 Continued LGPS membership**

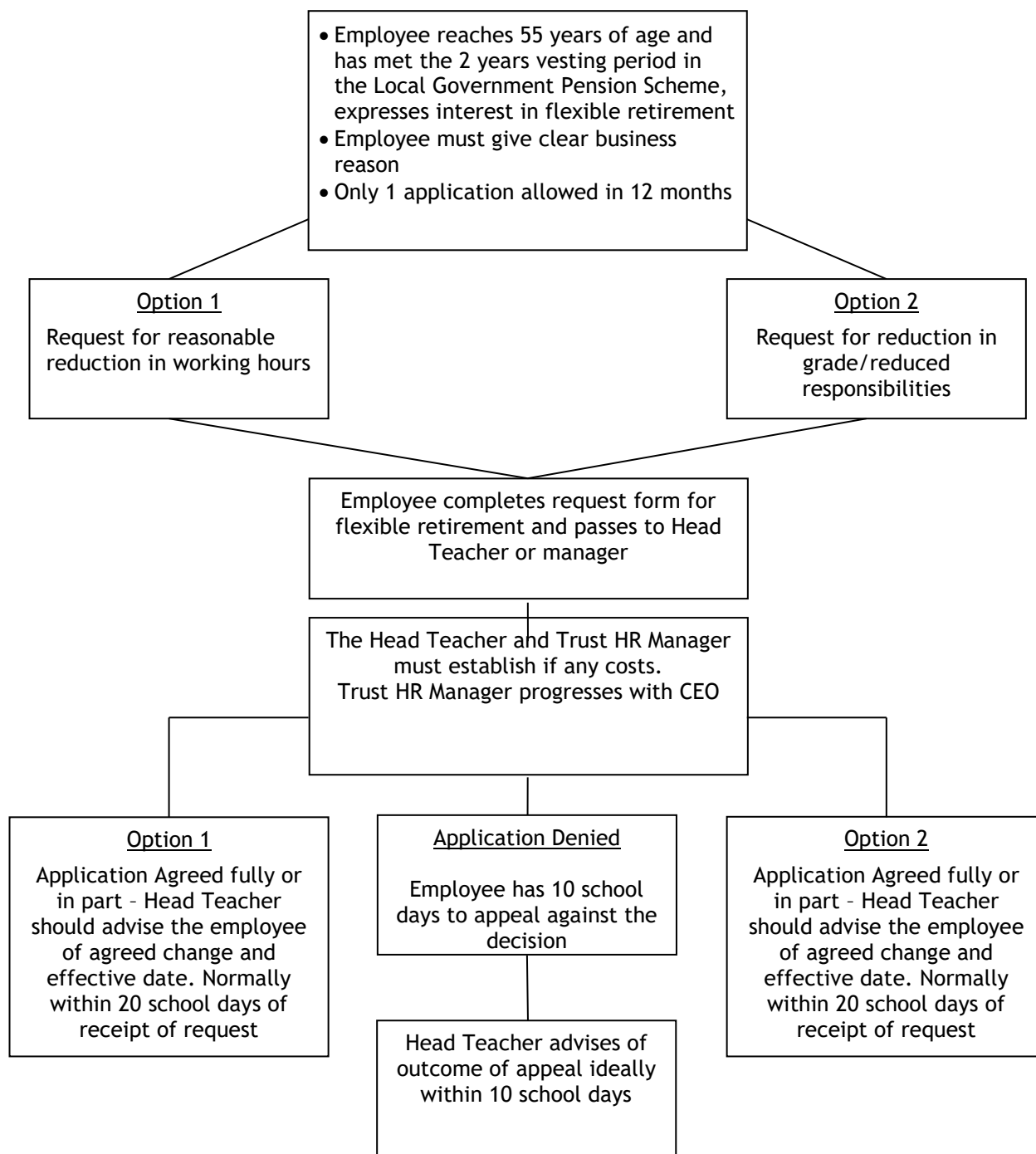
Individuals who take flexible retirement and continue working for the School or other Local Authority will continue contributing to the LGPS unless they choose to opt out of the Scheme. Provided they do not opt-out they will build up another period of membership. Anyone who is granted flexible retirement on the basis of reduced pay should be aware that if they accrue additional membership after release of their pension, any subsequent pension entitlement would be based on final pay in the last twelve months of service and not on the pay used in calculating flexible retirement benefits. Anyone who has reduced their hours should be aware that going forward they will earn membership in the Scheme on a reduced basis, proportionate to the number of hours they work. Also, working part-time prior to normal retirement age could reduce the amount of additional service they could be awarded if they retire on ill-health grounds, as well as reducing the potential death in service lump sum payable.

### **2.11.5 Break in Service**

There is no requirement for employees to have a break in service where they are taking flexible retirement.

### 3 Tools

#### 3.1 Flowchart



**\* Employees are strongly advised to seek independent financial advice before undertaking any such request.**





## TUDHOE LEARNING TRUST Request for Flexible Retirement

### Employee Details

Name		Payroll Number	
Post Title		Grade	
School		Contracted Hours	

### Eligibility

Are you aged 55 or over, with at least 3 months total membership of the LGPS?

(please ✓ as relevant)

Yes  Go to next section

No  You are not eligible to apply for flexible retirement.

### Details of Request

(Please ✓ as relevant)

I would like to :- (please ✓ as relevant) (If considering both please indicate your preference)

a) Reduce my working hours  Preference: 1<sup>st</sup> or 2<sup>nd</sup>

b) Move to a job at a lower grade \*  Preference 1<sup>st</sup> or 2<sup>nd</sup>

\* Please note that if your request is agreed, unless there is a restructure or lower graded vacant post in your school you will need to apply for advertised posts at your required grade in fair and open competition with other candidates.

### Reduced Working Hours

Please describe your current working pattern (if an unusual working pattern please indicate):

Normal Days Worked:- Mon / Tue / Wed / Thurs / Fri / Sat / Sun (circle as appropriate)

Weekly contracted hours:		Normal Times Worked:	
--------------------------	--	----------------------	--

Please describe the reduced working hours/pattern (days/hours/times) you would like to work:

Days you wish to work: Mon / Tue / Wed / Thurs / Fri / Sat / Sun (circle as appropriate)

Weekly contracted hours:		Normal Times Worked:	
--------------------------	--	----------------------	--

Date you would like change to commence:	
---	--

### Impact of the reduced hours

I think this reduction in working hours will affect the School and colleagues as follows:-

--

### Suggestions for accommodating the reduced hours

I think the effect on the School and colleagues can be dealt with as follows:-

--

### Declaration

<b>Signature</b> :		<b>Date:</b>	
<b>Print Name:</b>			

**Please pass this request to your manager**

**Action For Head Teacher** (Please consult with Pensions and the HR Manager prior to the final decision being given to the employee)

- 1) Ensure pension estimate received from Pensions before progressing for consideration by Trust CEO to ensure that full consideration of business and financial implications is given prior to agreement.
- 2) Has the employee obtained an estimate from Pensions, if not this should be requested.
- 3) Acknowledge receipt of form and provide details of the date on which Trust CEO will consider request.
- 4) Meet with employee to discuss outcome of meeting.
- 5) Discuss any changes to request with the Human Resources prior to implementation.
- 6) If approved, ensure all appropriate documentation submitted.

## **4 Further information**

### **4.1 Confidentiality**

All information will be handled sensitively and used only for its proper purpose.

Under the Data Protection Act 1998 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

### **4.2 Publicising/distribution of the policy**

A copy of this policy is available from the Head Teacher and will be made available to employees on request. A copy can also be viewed via the Trust Website at [www.tudhoelearningtrust.co.uk](http://www.tudhoelearningtrust.co.uk)

New employees will be informed of the existence of this policy in recruitment and induction information.

### **4.3 Reviewing the policy**

The operation of this policy will be kept under review and such changes will be made to the policy as deemed appropriate following consultation as appropriate.

### **4.4 Further Information**

If you would like any further advice please contact the Trust HR Manager via the Trust Office Tel; 01388 811765 or via email; [office@tudhoelearningtrust.co.uk](mailto:office@tudhoelearningtrust.co.uk)