Caroline Haslett Primary School & Faraday Club

Phased Retirement and Flexible Working to Retirement Policy for Support Staff

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Date of next review: March 2026 (or earlier in the event of legislation changes)

Approved by the Headteacher on:

Signed: _____(Headteacher) **Date:** _____

Approved by the Governing Board on:

Signed: _____(Chair of Governors) **Date:** _____

Retirement and Flexible Retirement Policy and Toolkit

Advice for School Support Staff – January 2021

Human Resources

milton keynes council

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Part A - Retirement

1.0 Introduction and Purpose

1.1 The purpose of this policy is to set out the Council's approach to the retirement of support staff within maintained schools. Non maintained schools may adopt this policy by agreement of the governing body.

1.2 This policy takes effect from 1 September 2020.

2.0 Retirement Age

2.1 On the 6th April 2011 Milton Keynes Council (MKC) no longer operates a normal or compulsory retirement age. This will mean that employees whose 65th birthday falls on or after 1st October 2011 will not be subject to a normal/compulsory retirement.

2.2 The Council is committed to equal opportunities for all employees. MKC recognises the contributions of a diverse workforce, including the skills and experience of older employees. It believes that employees should, wherever possible be permitted to continue working for as long as they wish to do so. MKC operates a flexible retirement policy, details of which can be found within this document.

3.0 Retirement Procedure

3.1 Early notification of an employees intended retirement assists the council (School) with its workforce planning, succession planning and talent management processes. Therefore, if an employee has decided that he/she wishes to retire, they should inform their Head Teacher in writing as far in advance as possible and in any event in accordance with his/her notice period as set out in his/her contract of employment. It is the responsibility of the school to notify your payroll provider.

3.2 Payroll will then write to the employee acknowledging their intention to retire and where pension payments are applicable will provide details of payment dates and contact details for the Pensions Section at Buckinghamshire Council.

3.3 The Head Teacher will also contact employees to offer the opportunity for an Exit Interview.

Part B – Flexible Retirement

1.0 Introduction and Purpose

1.1 MKC is committed to providing greater choice and flexibility to our employees with regard to making their transition from working life to retirement an enjoyable experience.

1.2 This policy has been reviewed taking into consideration the content of The Employment Equality (Age) Regulations 2006', the legislation being introduced by Government on 6th April 2011 which sees the removal of the default retirement age of 65 and the Local Government Pension Scheme (LGPS). The regulations make it unlawful to discriminate against workers, employees, job seekers and trainees because of their age. This policy seeks to ensure that MKC complies with their legal obligations and also outlines options in relation to flexible retirement.

1.3 Employees considering retirement can obtain further information from Buckinghamshire Council Pensions Team.

1.4 Where a timescale is given in calendar days, it excludes bank holidays.

2.0 Scope

2.1 The flexible retirement options detailed in this policy apply only to employees employed under MKC Terms and Conditions of Employment Non maintained schools may adopt this policy by agreement of the governing body.

3.0 References

3.1 This policy accords with the 'National Agreement on Pay and Conditions of Service' for local authority staff (green book), the Milton Keynes Council 'Terms and Conditions of Service' (November 2003), and The Employment Equality (Age) Regulations 2006.

4.0 Supporting Employees Approaching Retirement

4.1 Retirement is a life-changing event. At the point at which an employee indicates that they are considering retirement the Head Teacher should ensure that the employee is aware of the advice and guidance available to them in good time so that they can prepare in the lead up to retirement. The correct time for advice will depend on the employee's circumstances and when they plan to retire.

4.2 Pension Information in respect of Flexible Retirement can be obtained by accessing the Buckinghamshire Council website https://www.buckscc.gov.uk/services/council-and-democracy/local-government-pension-scheme/ or by telephone on 01296 383755.

Only information, not estimates, can be given unless HR provider makes a request for an estimate on behalf of the employee.

5.0 Flexible Retirement

5.1 Employees who are considering retirement and have attained the age of 55, have the following option subject to the Council's agreement for maintained schools - Partially retiring, thereby easing into retirement gradually

5.2 A Local Government Pension scheme (LGPS) Member may, from the age of 55 claim their pension benefits early, subject to the Councils agreement for maintained schools, and continue working but with a reduction in their hours and/or grade (which must result in a reduction in salary of between 20% and 60%, either through reduced hours or level of responsibility/grade).

5.3 All requests for flexible retirement must be able to demonstrate a business benefit in terms of retention of valuable skills and knowledge. Each request will be considered on its merits and will only be agreed if it is in the economic and/or operational interests to do so.

5.4 It must be recognised that partial early retirement before the age of 60 could incur a cost to the organisation through pension strain. This cost must be affordable and within existing budgets, all the relevant circumstances will be taken into account when an early retirement decision is made. Where this is not achievable, the proposal should be accompanied by a supplementary plan detailing how any cost will be recovered.

5.5 To help to offset any pension strain, the employee must agree to remain in employment with the school for a minimum period of 1 year or to age 60 if earlier.

5.6 Partial early retirement is only available to employees continuing in their current post or, with agreement, transferring to another post within the same school. This ensures maximum benefit to the school through the retention of acquired skills and experience.

5.7 Flexible Retirement options are open to those employees who want to partially retire. Employees considering making a request to work flexibly should discuss the details with their Head Teacher at the earliest opportunity. Requests will only be considered where the implications for the school, in particular the resourcing impact from a person's reduction in working hours or level of responsibility have been fully assessed. School operational needs and efficiency are essential considerations when assessing any request.

These options can include:

- Job sharing
- Term time only working, if applicable
- Voluntary reduced hours/part-time
- Reviewing current responsibilities within the post

6.0 Procedure for Requesting Flexible Retirement

6.1 Employee should apply for flexible retirement by completing the application form in Appendix 1 and forwarding this to the Head Teacher.

6.2 Following receipt of the request the Head Teacher will consider the request with the Governing Body as per the council's LGPS Discretions within the Scheme Policy

6.3 The Head Teacher would normally meet with the employee within 21 calendar days of receiving the application to discuss the request. This will enable the employee to put their case forward. A sample letter is available at Appendix 2.

6.4 The employee must be advised that a Trade Union representative or a workplace colleague may accompany them to the meeting. The Head Teacher may wish to invite a HR representative to this meeting for advice and guidance on the procedure.

6.5 Prior to the outcome of the meeting guidance should be sought from the Schools HR Team at Milton Keynes Council for community schools.

The outcome letter should confirm the agreed details of the flexible retirement in principle subject to the approval of the estimate of benefits, or state that the request has been refused. The letter must also inform the employee of their right to appeal and the process to do so. Example letters are provided at Appendix 3.

6.6 If the Headteacher supports the request and it includes drawing a pension, they must contact the Schools HR Team to arrange for an application on behalf of the employee to Buckinghamshire Council (BC) Pensions Team for an estimate of benefits.

6.7 A decision subject to an estimate of benefits/cost must be made and communicated in writing to the employee within 7 calendar days of the meeting. In the event of a delay receiving the estimate, the employee will be kept informed.

6.8 If on receipt of the estimate the employee still wishes to proceed with flexible retirement, Milton Keynes Council must countersign the Retirement certificate to release the pension. Once agreement has been given the final decision will be confirmed in writing.

The Buckinghamshire Council Pensions Team should be notified in writing at least 4 weeks before the date of the flexible retirement. This must be done by printing off the estimate of retirement benefits form sent to them by Pensions and signing it. Please note that no action can be taken by Pensions without a signature from Milton Keynes Council and the employee.

All appropriate payroll forms must be immediately completed detailing the flexible working change i.e. reduced hours or reduced grade and sent to your payroll provider

6.8 A copy of the employee request must upon receipt be forwarded to the Schools HR Team, as must a copy of the final decision letter.

6.9 The employee has a right to appeal the decision. Appeals should be made in writing to the Head Teacher, within 7 calendar days following receipt of the written confirmation of the decision. A panel consisting of governors will be convened to hear the appeal and their decision is final. See Section 8 for further information.

7.0 Pension Implications

7.1 Employees who are members of the LGPS may be concerned about the effect of flexible working retirement options on their pension.

7.2 In cases of flexible retirement, before the age of 60, pension benefits accrued and paid may be subject to a reduction. Subject to the employee being 60 before 31 March 2016, where they satisfy the 85-year rule, benefits on flexible retirement may not be subject to a reduction. The service would bear any costs of the pension benefits being paid early. Flexible retirement and waiving reductions in pension benefits are discretions within the Council's LGPS Discretions within the Scheme Policy (discretions 5 & 6).

7.3 The member may remain in the pension scheme and accrue a second pension based on the reduced hours and/or grade. These benefits will become payable at age 65, or at least one day before the members 75th birthday if the member remains in employment with the Council. The member will be covered for all pension benefits on the second record such as ill health retirement and death in service. They can even pay Additional Regular Contributions to increase their pension benefits or pay Additional Voluntary contributions.

7.4 Where Flexible Retirement is linked to a reduction in hours and grade the Pension benefits will be based on all service accrued up to the date of the reduction in hours and/or grade, these benefits will be payable with reductions as per the table at Appendix 4.

8.0 Appeal Process

8.1 The employee should appeal within 7 calendar days following receipt of the written confirmation of the decision.

8.2 Within 7 calendar days of receipt of the appeal letter, a letter should be sent to the employee confirming the date that the appeal will be heard. The appeal hearing will be heard by a panel and would normally take place within 21 calendar days of receipt of the appeal letter.

8.3 The appeal meeting is the final opportunity for the employee to put their case before the governing body.

8.4 An HR representative will be present at the appeal hearing in an advisory capacity. All relevant parties, or their representatives, involved in making the original decision will also be present at the hearing to present the reasons for their decision. The employee must be informed of their right to have a Trade Union representative or a workplace colleague, accompany them to the appeal hearing.

8.5 At the end of the hearing the panel may decide that whilst they cannot accept the employee's stated request, there may be a compromise solution. It is perfectly acceptable for alternative working patterns to be proposed.

8.6 A decision must be made and communicated, in writing to the employee within 7 calendar days of the hearing. There is no further right to appeal.

8.7 A copy of the employee appeal letter must upon receipt be forwarded to Schools HR team, as must a copy of the final decision letter.

Data Protection

9.1 Any data collected and processed as part of employing and managing employee's is held securely. It is accessed by, and disclosed to, individuals only for the purposes of completing that specific procedure; process or activity.

9.2 Records are retained and destroyed in accordance with the organisations Retention Schedule.

9.3 Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Data Protection Policy immediately. It may also constitute a disciplinary offence, which may be dealt with under the Disciplinary Procedure.

Appendix 1: Application form for flexible retirement

APPLICATION FORM - REQUEST FOR FLEXIBLE RETIREMENT

1. Personal Details (Please print in block capitals)

Name: **School:**

Job Title:

2. Flexible Details (In this section please outline the details of your request)

Employee Signature: ..... Date: .....

Once completed this form must be returned to the Head Teacher. You should ensure that you submit your request at least three months prior to the date upon which you wish the flexible working arrangements to commence.

Your Head Teacher will arrange to meet with you to discuss your wishes.

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3. To be completed by the Head Teacher:

1) Meeting to discuss the above held on:

2) Forwarded to MK Council for consideration – via Schools HR Team

3) Request progressed/declined* (*delete as appropriate)

Comments:

4) If request is declined, date & outcome of appeal if applicable:

5) If request approved in principle, date estimate requested:

6) Benefit Estimate (from MKC) approval / decline* (delete as appropriate) on:

7) Employee approval/decline* (*delete as appropriate) on:

8) Headteacher to send paperwork to payroll on:

NB: MKC to send retirement certificate to Bucks Pension

Signed (Head Teacher): **Date:**

Appendix 2: Example letter invite

Example Letter Inviting the Employee to a Meeting to Discuss a Request for Flexible Retirement

Note: The meeting should be held within 21 calendar days of receiving the request and the employee has the right to be accompanied at the meeting.

Private and Confidential

Name

Address

Date

Dear

Following your request to consider flexible retirement, I am writing to inform you that a meeting has been arranged to discuss your request further.

The meeting will be held on [insert date] at [insert time] at [insert location].

You have the right to be accompanied at the meeting by a Trade Union representative or a workplace colleague.

Please do not hesitate to contact me if you have any questions regarding the content of this letter.

Yours sincerely,

Head Teacher

Cc Schools HR Team

Appendix 3a: Example outcome letter where request is declined

Example of a Letter Confirming the Outcome of the Meeting to Discuss a Request for Flexible Retirement where the outcome is refusal

Note: The employee must be informed of the decision within 7 calendar days of the initial meeting. If the request is refused, the employee must be informed of their right to appeal.

Private and Confidential

Name

Address

Date

Dear

Following our meeting held on [insert date] to discuss your request for a flexible retirement, I am writing to inform you that unfortunately it has not been possible to grant your request. [Reasons?]

You have a right to appeal this decision and if you wish to do so you must appeal in writing to me, within 7 calendar days of receipt of this letter. The appeal will be heard by [insert name] and their decision will be final.

Please contact me if you have any questions regarding the content of this letter.

Yours sincerely,

Head Teacher

Cc Schools HR Team

Appendix 3b: Example outcome letter where request is agreed

Example of a Letter Confirming the Outcome of the Meeting to Discuss a Request for Flexible Retirement where the outcome is agreed in principle

Note: The employee must be informed of the decision within 7 calendar days of the initial meeting. If the request is refused, the employee must be informed of their right to appeal.

Private and Confidential

Name

Address

Date

Dear

Following our meeting held on [insert date] to discuss your request for a flexible retirement, I am writing to inform you that in principle and subject to the estimate of benefits your application can progress to the next stage.

I will be in contact in due course with further information.

Yours sincerely,

Head Teacher

Appendix 4: Reduction Factors in the LGPS

The updated LGPS early retirement reduction factors are as follows:

Number of Years Paid Early	Pension reduction	Lump Sum reduction (for membership to 31 March 2008)
0	0%	0%
1	5.1%	2.3%
2	9.9%	4.6%
3	14.3%	6.9%
4	18.4%	9.1%
5	22.2%	11.2%
6	25.7%	13.3%
7	29.0%	15.3%
8	32.1%	17.3%
9	35.0%	19.2%
10	37.7%	21.1%

If you were in the LGPS on 30 September 2006, some or all your benefits paid early could be protected from the reduction.

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