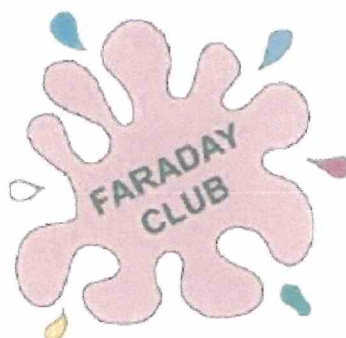
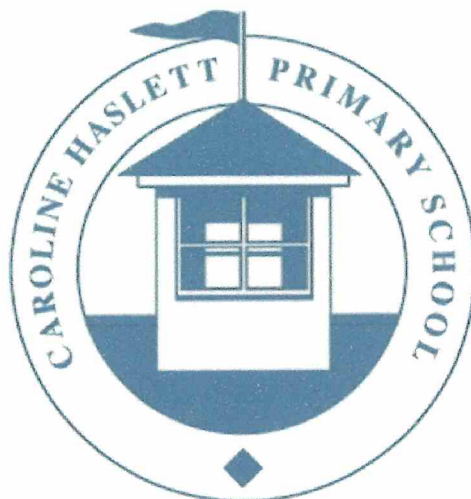


Caroline Haslett Primary School & Faraday Club



Phased Retirement and Flexible Working to Retirement Policy for Teachers

Date of Issue: March 2023

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:** _____

Policy and Procedure for Teachers

Phased Retirement / Flexible Working up to Retirement Policy

-  This policy is not intended for use by non-maintained schools. If extracts are used they should be attributed.
-  Foundation and Voluntary Aided Schools can adapt and adopt this policy or use an alternative.
-  This policy is for use by Community and Voluntary Controlled schools. Governing Bodies are asked to adopt this policy. Should a Governing Body wish to adopt an alternative policy please ensure that a copy is supplied providing assurance that it is legally compliant.

<https://www.milton-keynes.gov.uk/schools-and-lifelong-learning>

Date issued: FV2.0 – June 2018
Review date: In line with legislative changes
Prepared by: Human Resources

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1 Scope of Policy and Introduction

Scope of policy

- 1.1 On adoption by the governing body or Interim Executive Board (IEB) these guidelines **will apply** to the following types of schools:
- a) Community schools
 - b) Voluntary Controlled schools
 - c) Community special schools
- 1.2 These guidelines will **not apply** to the following types of school as the council is not the employer of their staff. However, the governing body may choose independently to adopt these guidelines with appropriate amendments.
- a) Foundation and Trust schools
 - b) Voluntary Aided schools
 - c) Academies
 - d) City Technology Colleges
 - e) Foundation special schools
 - f) Independent schools
- 1.3 This policy applies to all teachers and members of the Teachers' Pension Scheme aged 55 and over.
- 1.4 Council policy 'Retirement & Flexible Retirement Policy' which addresses the Local Government Support staff considering flexible/phased retirement should refer to the Milton Keynes Pension Scheme implications. This is available on the intranet or via your HR Provider.

NB: This policy only applies to teachers considering phased retirement or flexible working up to retirement.

Introduction

- 1.5 In January 2007 the Teachers' Pension Scheme introduced phased retirement arrangements for teachers that allow individuals to continue working whilst drawing some of their accrued pension benefits, subject to certain conditions. The purpose of this policy is to outline the procedure for applying for phased retirement and the criteria the school/Local Authority will apply when considering such requests.
- 1.6 This policy also outlines the procedure for applying to work flexibly up to retirement where pension benefits are not accessed.
- 1.7 Many teachers currently go from working full-time hours to complete retirement which represents a significant culture change. Working flexibly up to retirement can allow teachers a more gradual and planned transition from full-time work to full-time retirement.
- 1.8 The governing body is committed to adopting a more flexible approach to retirement and recognises the benefits that it can have in the interests of children, teacher and the school:

For the employer:

- it enables retention of valuable experience and knowledge which would otherwise be lost if a teacher were to retire or leave;
- it offers an effective means to reduce capacity and increases opportunities for succession planning;
- it can provide development opportunities for younger teachers, as older colleagues reduce their hours or responsibility level;

- it encourages age diversity in the workforce which is representative of the community the school operates in.

For the teacher:

- it enables a step down towards retirement and a gradual adjustment to life without paid employment.

- 1.9 Before submitting a request for phased retirement, members of the Teachers' Pension Scheme are urged to seek advice from their professional association and other relevant parties such as an independent financial adviser. They are also asked to ensure that the application is made in good time.

2.0 Explanation of Terms

- 2.1 Flexible Working up to Retirement – applying to reduce hours and/or responsibilities in the run up to retirement without accessing pension (pay protection arrangements do not apply). See section 5.0.

- 2.2 Phased Retirement – the opportunity for members to draw down part of their pension benefits before age 60 (existing members) or 65 (members joining after 1 January 2007) and continue working, provided they reduce their earnings by at least 25% for a minimum of a year. See section 6.0.

3.0 General Pension Information

- 3.1 Existing teachers (in pensionable service prior to 1 January 2007) have a normal pension age (NPA) of 60 and have the right to retire from age of 60 subject to ordinary notice requirements.
- 3.2 New entrants to the scheme from 1 January 2007 have a normal pension age (NPA) of 65.
- 3.3 All teachers can choose to retire early, from age 55, with an actuarially reduced pension.

Actuarially Reduced Benefits (ARB) are retirement benefits paid from age 55 and before the NPA of 60 (existing scheme member) or 65 (new entrant), reduced by a factor related to the scheme member's age on the date the pension commences.

4.0 Requesting to Work Flexibly up to Retirement

Working flexibly up to retirement could include reducing hours and/or working with reduced responsibilities.

- 4.1 Any request to reduce hours should be significant (more than 20% of the individual's current working week).
- 4.2 A request to work in a job at a lower grade with fewer responsibilities could also be made. This is dependent on a role being available and pay protection arrangements would not apply.
- 4.3 It is the individual's responsibility, not the governing body or Milton Keynes Council, to consider the implications of such a request on an individual's pay and pension entitlements and the individual should seek appropriate advice before making the application.
- 4.4 Requests to work flexibly up to retirement should be made to the school's governing body (via the headteacher) on the form at Appendix A and a committee within the governing body will consider the application.

4.5 Recognising the importance of maintaining strong and effective leadership within schools, applications from headteachers wishing to request to work flexibly up to retirement will require the consent of both the governing body and Milton Keynes Council as the employer (Community and Voluntary Controlled schools only).

4.6 Any agreement to a flexible working arrangement is made on a temporary basis and is subject to review before being made permanent. It is suggested that the review date should be no more than one year in the first instance.

5.0 Requesting Phased Retirement (with access to Pension)

5.1 If an individual is aged 55 or above and is a member of the Teachers' Pension Scheme, s/he may apply to take some of the accrued pension benefits whilst continuing to work (phased retirement).

5.2 In order to be eligible to apply, members' pensionable salary must reduce by at least 25% for a minimum of 12 months following the date of retirement. This could, for example, be because they have taken up a post of lesser responsibility or because a reduction in working hours is agreed.

5.3 Members may take phased retirement if they commence a new appointment in a support role such as a teaching assistant, provided that the appointment is in an educational establishment. The new appointment may be with a different employer and the application for phased retirement must be signed by the employer responsible for the new working arrangement.

5.4 Requests for phased retirement by members wishing to remain in the same school should be made to the governing body (via the headteacher) on the form at Appendix A and a committee within the governing body will consider the application.

5.5 Recognising the importance of maintaining strong and effective leadership within schools, applications from headteachers wishing to request phased retirement will require the consent of both the governing body and Milton Keynes Council as the employer (Community and Voluntary Controlled schools only).

6.6 If the governing body/Milton Keynes Council agree to a reduction of pay of at least 25% for a minimum of 12 months, the teacher must complete an application form, to be signed by the employer, before submission to the Teachers' Pensions Agency for phased retirement benefits

6.7 If approved, individuals will be allowed to take their pension on two separate occasions up to a maximum of 75% of benefits (benefits taken before normal pensionable age will be subject to actuarial reduction).

6.8 Employer agreement is required for phased retirement and applications may be refused.

6.9 Following agreement to phased retirement, members should complete part A of Application for Phased Retirement Benefits available on the Teachers Pensions website www.teacherspensions.co.uk This should then be sent to Christine Speed at Saxon Court, Milton Keynes Council, for completion of Part B on behalf of the employer and submission to Teachers' Pensions.

6.10 Teachers Pensions can be contacted on 0845 6066166 or www.teacherspensions.co.uk

6.0 Considering the Request for Flexible Working and Phased Retirement

6.1 The governing body (and Milton Keynes Council in the case of headteachers – community and voluntary controlled schools only) have the discretion to approve or not approve any request for flexible working and phased retirement. Each individual case will be assessed according to circumstances.

6.2 When considering a request to take flexible working up to retirement or phased retirement, consideration will be given to the following:

- The impact on service delivery, ie can it be effectively managed without significant detriment to the school's curricular, financial, management or staffing arrangements?
- Is there a good organisational reason to accept the request?
- Is the flexible/phased working arrangement fair and equitable to all teachers in the school.
- Any compassionate grounds for the request.
- Whether any costs arising from the request can be met by the school.
- Whether there is a conflict of interest if an individual takes a lower graded job.

6.3 Recognising the importance of maintaining strong leadership in a school, where headteachers are submitting the request, in addition to 6.2, consideration will be subject to the following additional criteria:

- The school must not be in an Ofsted category of concern or deemed by the Council to be a school causing concern.
- The governing body and the Council must be confident that the school has the capacity and staff stability to use different leadership arrangements effectively.
- A rationale and proposed model with clearly defined roles and costing must be provided.
- An evaluation schedule ensuring that the arrangement is regularly monitored must be in place.
- A clear indication of permanent arrangements beyond any proposed short term interim arrangements must be provided.
- Contingency proposals should be in place should the interim arrangements fail.
- There should be clarity on how performance management will operate.
- Interim leadership arrangements should not exceed 12 months' duration. In line with statutory regulations the vacant post or part of a post arising from a phased retirement arrangement must be advertised and a permanent appointment made to ensure a strong and stable leadership structure.

7.0 Right of Appeal

- 7.1 If the request is not accepted the teacher will have the right of appeal. The teacher must submit an appeal within seven calendar days of the original decision being received.
- 7.2 An appeal hearing should be convened within 21 days of receipt of the appeal and the appeal will be heard by the governing body's Appeals Committee. Appeals against a decision relating to a headteacher will be heard by an appeal committee comprising two governors and two representatives from the Local Authority (Community and Voluntary Controlled schools only).
- 7.3 The teacher has the right to be accompanied at this meeting by a colleague or trade union representative.
- 7.4 The outcome of the appeal will be given in writing within seven calendar days of the hearing.

8.0 Data Protection

- 8.1 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.
- 8.2 Records are retained and destroyed in accordance with the organisations Retention Schedule.

- 8.3 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

9.0 Further Information

- 9.1 Professional advice should be sought when making decisions which may affect pension arrangements. Individuals are strongly advised to contact an independent financial adviser and other advisory bodies such as trades unions before making a decision about flexible working/phased retirement.

Application for Flexible Working up to Retirement or Phased Retirement

PART A – to be completed by the teacher

NAME:

JOB TITLE:

GRADE/PAY

SCHOOL:

☐ I wish to apply for phased retirement and reduce my pensionable salary by at least 25% for a minimum of 12 months following the date of retirement to be eligible to access my pension benefits.

or

☐ I wish to request to work flexibly in the run up to retirement and will *not* apply to access my pension benefits.

Proposed New Working Arrangements: Please provide details of the proposed working arrangements including hours and working pattern (*continue on a separate sheet if necessary*)

Signed (teacher):

Date:

PART B – to be completed by the headteacher, or chair of governors where the request is made by the headteacher

☐ I support the request and have provided a business case below which addresses the points for consideration in section 6.2 and 6.3 (e.g. impact on service delivery, costs and organisational benefits).

Business Case (*continue on a separate sheet as necessary*):

☐ I do not support the request for the following reasons (*continue on a separate sheet as necessary*).

Signed:
(Headteacher or Chair of Governors)

Date:

Print Name:

Part C – to be completed by relevant committee of the governing body

- ☐ We approve the request.
- ☐ We do not approve the request for the following reasons (*continue on a separate sheet as necessary*).

Signed:
(Chair of governors' committee)

Date:

IF THE REQUEST HAS BEEN MADE BY THE HEADTEACHER PLEASE FORWARD THE FORM TO THE ASSISTANT DIRECTOR, CHILDREN & FAMILIES: LEARNING ORGANISATION & IMPROVEMENT GROUP, MILTON KEYNES COUNCIL FOR EMPLOYER APPROVAL. (COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS ONLY.)

Part D – To be completed by Milton Keynes Council

- ☐ The request is approved
- ☐ The request is not approved for the following reasons (*continue on a separate sheet as necessary*)

Signed:
(LA Representative)

Date:

A copy of this form should be stored on the individual's personnel file

<https://www.milton-keynes.gov.uk/schools-and-lifelong-learning>

Milton Keynes Council
Saxon Court
502 Avebury Boulevard
Central Milton Keynes
MK9 3HS

T 01908 253851
E declan.leith@milton-keynes.gov.uk
W www.milton-keynes.gov.uk