



**MEETING** : LOCAL JOINT PANEL  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 3 DECEMBER, 2014  
**TIME** : 2.30 PM

**MEMBERS OF THE PANEL**

**EMPLOYER'S SIDE:**

Councillors L Haysey (Chairman), M Alexander, A Jackson and J Thornton

*Substitutes:*

Conservative

J Ranger

Group of Independents:

**STAFF SIDE – UNISON (One Vacancy)**

Ms F Brown, Mr S Ellis and Mr A Stevenson (Vice-Chairman)

*Substitutes:* S Gray and J Francis

*(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting)*

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## DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
  - must not participate in any discussion of the matter at the meeting;
  - must not participate in any vote taken on the matter at the meeting;
  - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
  - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
  - must leave the room while any discussion or voting takes place.
  
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
  
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.

4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

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### **Audio/Visual Recording of meetings**

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

## AGENDA

### 1. Apologies

To receive apologies for absence.

### 2. Minutes (Pages 7 - 10)

To confirm the Minutes of the meeting held on 18 August 2014.

*(Members will recall that the meeting scheduled for 24 September 2014 was cancelled owing to lack of business).*

### 3. Chairman's Announcements

### 4. Declarations of Interest

To receive any Member's Declarations of Interest.

### 5. Reports by Secretary to the Employer's Side

(A) General Leave Policy (Pages 11 - 30)

(B) Revised Flexible Working Policy(Pages 31 - 50)

(C) Carers Policy(Pages 51 - 62)

(D) Retirement Policy (Pages 63 - 94)

### 6. Reports by Secretary to the Staff Side

There are no reports from the Secretary to the Staff Side.

7. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

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MINUTES OF A MEETING OF THE  
LOCAL JOINT PANEL HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON MONDAY 18 AUGUST 2014,  
AT 10.00 AM

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**PRESENT:**     **Employer's Side**

Councillor Linda Haysey (Chairman)  
Councillors M Alexander, A Jackson and  
J Thornton

**Staff Side (UNISON)**

Ms F Brown, Mr S Ellis and Mr A Stevenson

**ALSO PRESENT:**

Councillors G McAndrew, J Ranger, P Ruffles,  
N Wilson and C Woodward

**OFFICERS IN ATTENDANCE:**

Lorraine Blackburn	- Democratic Services Officer
Emma Freeman	- Head of People and Property Services
Adele Taylor	- Director of Finance and Support Services

7     **MINUTES - 26 JUNE 2014**

**RESOLVED** – that the Minutes of the meeting held on 26 June 2014 be approved as a correct record and signed by the Chairman

8     **EXPENSES POLICY**

The Secretary to the Employer's Side submitted a report setting out the proposed key changes on the revised Expenses Policy.

The Secretary to the Employer's Side explained that the policy had been updated as part of a regular review. Additionally, an internal audit had recommended a number of revisions and more recently, the need to review the policy around casual and essential car users in the light of a recent grievance.

The Secretary to the Employer's Side explained the key changes to the policy, the detail of which was set out in the report now submitted.

In response to a query from Councillor J Thornton regarding mileage rates, the Secretary to the Employer's Side confirmed that the mileage rates paid by East Herts were in accordance with a national joint council agreement. Councillor Thornton urged standardisation of the rates paid to all. The Director of Finance and Support Services explained that many Authorities had switched to paying HMRC mileage rates. No changes were proposed to the lump sum. Councillor A Jackson confirmed that Councillors were paid on the basis of HMRC rates.

In response to a query from Councillor M Alexander, the Secretary to the Employer's Side explained the mileage claim arrangement paid to those staff in relation to joint working with Stevenage Borough Council.

The Secretary to the Staff Side commented that UNISON were currently having initial discussions with the Secretary to the Employer's Side on expenses (Terms and Conditions) related issues which had a bearing on the policy before Members. The Secretary to the Employer's Side confirmed that matters had not yet progressed to formal consultation.

Councillor A Jackson suggested that if there were wider issues to consider, that it would be sensible to defer consideration of the policy until these had been resolved. He further stated that moving to HMRC mileage rates was sensible and queried why the report had been brought forward when there were outstanding issues to resolve. The Secretary to the Employer's Side reminded Members that the Panel had asked for the policy to be submitted for



consideration at its meeting on 26 June 2014.

Councillor J Ranger stated that to delay moving to HMRC rates was only delaying the inevitable and would not affect the Terms and Conditions ongoing discussions.

The Secretary to the Staff Side stated that as the policy stood, UNISON would not support it.

In response to a query from Councillor J Thornton, the Secretary to the Employer's Side stated that providing a time frame by which discussions might be concluded with UNISON would be difficult to predict.

In noting that there was no general agreement to the HMRC rates proposed, the Secretary to the Employer's Side sought confirmation from the Panel about other aspects of the report, including clarifying the process and how staff were defined as users. The Secretary to the Staff Side stated that there were other elements within the policy that UNISON were still not happy with and could not support the changes.

Mr Ellis (UNISON) referred to proposed tax changes in legislation which would positively affect Councillors.

The Secretary to the Staff Side reiterated that UNISON would not support the policy as it stood and suggested that the matter should be referred to the Joint Secretaries to mediate/advise.

The Panel supported the recommendation to refer the matter to the Joint Secretaries for East of England Regional Council to mediate/advise.

RESOLVED – that the Expenses Policy be referred to the Joint Secretaries for East of England Regional Council to mediate/advise.

The meeting closed at 10.40 am

Chairman .....

Date .....

EAST HERTS COUNCIL

LOCAL JOINT PANEL - 3 DECEMBER 2014

HUMAN RESOURCES COMMITTEE - 15 JANUARY 2015

REPORT BY SECRETARY TO THE EMPLOYER'S SIDE

GENERAL LEAVE POLICY

WARD(S) AFFECTED:      NONE

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**Purpose/Summary of Report**

To approve the revised General Leave Policy

**RECOMMENDATION FOR LOCAL JOINT PANEL:**

**That:**

(A)	The revised General Leave Policy be recommended for approval
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**RECOMMENDATION FOR HUMAN RESOURCES COMMITTEE:**

**That:**

(A)	The revised General Leave Policy be approved
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1.0 Background

1.1 The Council's General Leave Policy was last reviewed in 2007. The Council's programme of policy review is, after three years or sooner, in line with legislation and best practice.

2.0 Report

2.1 **Key Changes**

2.2 The General Leave policy has been updated to include reference

to a new Carers Policy.

2.3 The Council's General Leave Policy was last reviewed in 2007. The Council's programme of policy review is after three years or sooner in line with legislation and best practice.

2.4 The revised General Leave Policy can be found at **Essential Reference Paper 'B'**

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

None

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## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):	<b>People – Fair and accessible services for those that use them and opportunities for everyone to contribute</b>  This priority focuses on delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable.
Consultation:	SMG, Unison have been consulted on the revised policy.
Legal:	None
Financial:	None
Human Resource:	As detailed in the policy
Risk Management:	None
Health and wellbeing – issues and impacts:	As detailed in the policy

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# **East Herts Council**

## **General Leave**

### **Policy Statement**

**Policy Statement No 7 (Issue No 2)  
January 2015**

## **Contents**

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### **Page**

<b>1. Introduction</b>	<b>3</b>
<b>2. Contractual Relationship during Absence</b>	<b>3</b>
<b>3. Granting and Recording Leave</b>	<b>3</b>
<b>4. Public Holidays</b>	<b>3</b>
<b>5. Annual Leave</b>	<b>4</b>
<b>6. Bereavement</b>	<b>5</b>
<b>7. Career Breaks</b>	<b>6</b>
<b>8. Citizenship Duties</b>	<b>8</b>
<b>9. Union Duties</b>	<b>10</b>
<b>10. Training Courses and Day Release</b>	<b>11</b>
<b>11. Examination and Study Leave</b>	<b>11</b>
<b>12. Interviews in Other Authorities</b>	<b>12</b>
<b>13. Leave for Medical Reasons</b>	<b>12</b>
<b>14. Discretionary Leave</b>	<b>13</b>
<b>15. Time of for Religious Observance</b>	<b>13</b>
<b>16. Unpaid Leave</b>	<b>13</b>
<b>17. Review</b>	<b>15</b>



## **1.0 Introduction**

- 1.1 The General Leave Policy provides employees and managers with information on the various types of leave entitlement.
- 1.2 This policy applies to all employees including Chief Officer level that are employed by East Herts Council.

## **2.0 Contractual Relationship during Absence**

- 2.1 Having granted a period of paid or unpaid leave, the contract of employment between both parties remains in existence (except in the case of a Career Break) and therefore a commitment to maintain confidence, trust and act in good faith during the period of leave.
- 2.2 Employees on periods of extended leave will be required to maintain regular contact with their manager and, if appropriate, inform them of any changes in circumstance which may affect their intention to return to work.
- 2.3 Employees suspected of abusing the provisions of these procedures or fraudulently applying for leave will be subject to disciplinary investigation as detailed in the Disciplinary Policy.

## **3.0 Granting and Recording Leave**

- 3.1 It is the Line Manager's responsibility to consider applications for special leave and use the following information as guidelines.

## **4.0 Public Holidays**

- 4.1 Employees are entitled to public holidays, irrespective of length of service. Part time employees are entitled to a pro rata entitlement to these holidays. This is calculated as a fifth of the employee's working week, for each bank holiday, regardless whether this is a working day or not. For example, an employee working 20 hours per week would be entitled to receive 4 hours for each bank holiday.

## **5.0 Annual Leave**

### **5.1 Leave Year**

5.1.1 The Council operates an anniversary leave period commencing on the date an employee commenced working for the Council. Those employees starting or leaving employment during the year are entitled to leave proportionate to the number of completed weeks of service during the year.

### **5.2 Part Time Staff**

5.2.1 Annual Leave entitlement will be applied pro-rata for part time employees based on 37 hours full time working week. For example an employee with full time equivalent 22 days annual leave entitlement working 20 hours per week will be entitled to 12 days annual leave.

### **5.3 Approval for Taking Leave/Carrying Forward Leave**

5.3.1 All leave is taken at the discretion of your Line Manager and requests will need to be looked at in the context of the cover available within the team to ensure that the service provided is not disrupted.

5.3.2 Managers should try and plan staffing arrangements well in advance so that peak holiday periods are adequately covered so that holiday requests can be treated equitably.

5.3.3 Where a late request is received, the employee should not expect or assume that it will be granted and managers should treat such requests, due to unexpected events, sympathetically. As a general rule, however, employees should give at least twice the amount of notice that they wish to take as leave. Therefore, if 5 days' holiday is being requested, at least 10 working days' notice is required.

5.3.4 As far as possible all employees should take their annual leave before the end of their leave year. Where this is not possible up to five days annual leave may be carried forward into the next leave year with the prior written consent of their Line Manager.

### **5.4 Cancelling Leave due to sickness**

5.4.1 If an employee is due to go on annual leave or during their leave becomes unwell, any absence will be counted as sickness absence

rather than annual leave if a fit note is provided. Employees must notify their manager as soon as possible to inform them that they are unwell. Details of the nature of the illness and an indication of the expected return to work should be provided.

## **5.5 Continuous Service**

5.5.1 Employees who have 5 years' local authority service with East Herts or another local authority are entitled to an extra 5 days annual leave.

## **5.6 Basic Leave Entitlement**

The basic leave entitlement is dependent upon the scale point an employee has reached. It is banded as follows:-

SCP 6 - 21	22 days
SCP 22 - 28	24 days
SCP 29 - 31	26 days
SCP 32 - 34	27 days
SCP 35 and above	28 days

## **6.0 Bereavement**

### **6.1 Bereavement of Immediate Family Members**

6.1.1 When an employee suffers the loss of an immediate family member, for example, partner, parent or sibling, the employee will be entitled to 5 paid days leave. Leave may be taken at/or around the time of bereavement at the employees request.

6.1.2 If the employee has the same relationship with the deceased as described above, for example, having been brought up by the person, then the same provision of leave will apply.

6.1.3 Managers should endeavour to facilitate any requests for leave in these circumstances. However, if the Manager has any query regarding leave arrangements these should be discussed with the appropriate Head of Service and Human Resources before any action is taken.

6.1.4 There may be circumstances where an employee requires more than the 5 days leave when an immediate family member has died. In this event the employee should make their Line Manager aware of the

situation in order to arrange that annual leave or accrued flexi time can be added on.

## **6.2 Bereavement of Relatives / Friends**

6.2.1 When an employee suffers the loss of a relative or friend, for example, grandparent, aunt/uncle or neighbour, the employee will be entitled to 1 day's paid leave to attend the funeral.

6.2.2 Line Managers should endeavour to facilitate any requests for leave in these circumstances. However, if the Line Manager has any query regarding leave arrangements these should be discussed with the appropriate Head of Service and Human Resources before any action is taken.

6.2.3 There may be circumstances where an employee requires more than 1 day's leave when a relative or friend has died. In this event the employee should make their Line Manager aware of the situation in order to arrange that annual leave or accrued flexi time can be added on.

## **7.0 Career Breaks**

### **7.1 What is a Career Break?**

7.1.1 A career break enables an employee to take an unpaid break from work for personal reasons and maintain continuity of service with the Council. The employee is required to give a minimum of 3 months' notice to commence a career break. With the exception of continuity of service, all other terms of the employment contract with the Council will be suspended. On return, at an agreed date following the career break, the employee will be able to return to the same or similar post within the Council without competitive selection.

7.1.2 It is recognised that during an employee's working life there will be times when personal commitments may take priority over work for example, bringing up children, longer term care for sick or elderly relatives, or pursuing a course of further education. The Council can accommodate such personal commitments, where operationally practicable, through career breaks.

### **7.2 What is the purpose of a career break?**

### 7.2.1 The purpose of a career break could be:

- To extend the maternity leave period
- To extend a period of adoption leave
- To care for dependent relatives
- To enter full time education
- Extended foreign travel
- To convalesce after a period of illness or major life crisis such as bereavement or divorce

These reasons are not all inclusive and others may be considered, with the major exception of taking up other paid employment.

### 7.2.2 How long is a career break?

The minimum break is 3 months and the maximum break is 1 year.

There is no limit to the number of career breaks an employee can take providing that they return to work for the Council for a minimum of 2 years between each career break.

### 7.2.3 Who can apply for a career break?

All permanent employees, with at least two years continuous East Herts service, regardless of the number of hours worked, are eligible to apply for a career break.

### 7.2.4 What happens to the employee's job?

After a career break the employee will have the right to return to their same or equivalent position (in terms of service area and pay) where this is available. However, where this is not available the Council will offer an alternative which can include work elsewhere in the Council at a different level and pay. The new job would need to be a suitable alternative, within the definition used when employees are facing redundancy. (see Redundancy policy for more details)

### 7.2.5 Extending or cutting short the career break

If the employee wishes to extend the career break, they must do so in writing giving a minimum of three months' notice. The Line Manager will give consideration to the extension along the same lines as the original request and may grant up to one year in total.

There will be no automatic right to cut short a career break but Line Managers will consider such requests from an employee as they can accommodate, without impacting on service level.

#### **7.2.6 Contract of employment**

The employee will be required to sign an agreement suspending all terms of their contract of employment, with the exception of continuity of service with the Council. The contract of employment will remain suspended for the duration of the career break. This will not constitute a break in service and general conditions of service will apply as at the start of the career break when the employee returns to work.

#### **7.2.7 Rate of Pay/Pension**

At the end of the career break the employee will return to the same incremental point they were on at the start of the career break which may result in salary protection if the post has been downgraded in a restructure.

Employees considering career breaks should contact LPFA pensions for more information.

#### **7.2.8 Disciplinary warnings**

Any live disciplinary warnings will be suspended for the duration of the career break and will be carried forward upon the employee's return to work.

### **8.0 Citizenship duties**

#### **8.1 Elected Members of other Council Authorities**

8.1.1 Employees who undertake duties as an Elected Member in another authority will be allowed to take up to a maximum of 10 days paid leave per annum. Leave must be used to attend official functions or

meetings. Requests for leave must be accompanied by proof that attendance is required.

8.1.2 All employees paid on or above SCP 44 are politically restricted and therefore, unable to undertake these duties. Other employees may also be restricted from undertaking these duties. Guidance should be sought from their line manager or Human resources. In both circumstances the restriction will be detailed in the employee's contract.

8.1.3 It is the Line Manager's responsibility to approve and monitor requests for time off to undertake Civic Duties. However, if the Manager has any query regarding leave arrangements these should be discussed with the appropriate Head of Service and Human Resources before any action is taken.

## **8.2 Magistrates**

8.2.1 Employees who are Magistrates will be allowed to take up to a maximum of 10 days paid leave per annum. Leave must be used to attend court sessions. Requests for leave must be accompanied by proof that attendance is required.

8.2.2 It is the Line Manager's responsibility to approve and monitor requests for time off to undertake Civic Duties. However, if the Line Manager has any query regarding leave arrangements these should be discussed with the appropriate Head of Service and Human Resources before any action is taken.

## **8.3 Court Attendance as a Witness/Jury Member**

8.3.1 Employees summoned as a witness or jury member will be allowed the necessary time off to attend court. The employee should inform their Line Manager at the earliest convenience and pass on the summons document to Payroll for completion.

8.3.2 Any monies received by an employee to compensate for loss of pay must be declared to Payroll.

## **8.4 Active Citizen Duties**

8.4.1 Employees who volunteer their expertise for public service may take up to 3 days paid leave per annum to attend formal meetings or functions.

8.4.2 Applications for leave must be accompanied by proof that attendance is required. Leave will be granted at the discretion of the manager.

8.4.3 The definition of active citizenship duties would include School Governors, Trustees of Charitable Trusts, Management Committee members of charitable trusts, members of publicly constituted watchdog organizations. N.B. This list is not exhaustive and other bodies may fall into this category.

## **8.5 Service in Reserve Forces**

8.5.1 Employees who are members of the Reserve Forces may be required to attend summer camp on an annual basis. Two weeks' paid leave will be allowed in these circumstances.

8.5.2 Employees are required to give as much notice as possible for annual camp in order for the Line Manager to arrange appropriate cover. Leave may be refused if it would have a detrimental impact on service delivery.

8.5.3 In circumstances where a reservist employee is mobilised they will not be paid by East Herts Council and should be placed on a Career break for payroll purposes to ensure their continuous service is not broken.

## **9.0 Union duties**

### **9.1 Time off to Undertake Trade Union Duties**

9.1.1 Unison stewards and officers are entitled to reasonable time off for Unison activities in accordance with the Recognition and Procedural Agreement 2004. As much notice as possible must be given to their line manager of absence due to union duties.

9.1.2 When the Employer request Unison to attend meetings, the employees concerned will be allowed paid time off from their normal duties to attend. Any additional expenses incurred by attendance will be reimbursed under the normal Council guidelines subject to approval by the Employer before they are incurred.

### **9.2 Unison Annual General Meeting**



9.2.1 The annual general meeting will be arranged in consultation with the Chief Executive who should be given at least one month's notice of the date of the meeting.

9.2.2 The meeting will generally be held at lunchtime and Unison members attending may credit flexi time up to the end of the meeting.

### **9.3 Executive and Safety Committee Meetings**

9.3.1 Unison will hold monthly executive meetings at Wallfields, Hertford and occasionally other EHDC venues.

9.3.2 The meeting may commence any time after 16.00 hours and employees attending may credit the flexi system until the end of their attendance or until 17.30 hours whichever is first.

### **9.4 Other Trade Union Activities**

9.4.1 Managers may allow reasonable time off for Unison Officers to attend training courses, regional meetings and the annual conference in accordance with the Recognition and Procedural Agreement 2004.

## **10.0 Training Courses and Day Release**

10.1 Employees who are required by the Council to participate in training events and/or day release courses will be allowed paid time off.

10.2 Employees will not be required to work extra hours to compensate for time off to attend Council run training events or courses. If an employee attends a course the time should be recorded in flexi time in accordance with the Flexitime Policy and guideline.

## **11.0 Examination & Study Leave**

11.1 Employees who are required by the Council to undertake training course examinations will be allowed paid time off to do so. The time should be recorded in accordance with the Flexitime Policy and guideline.

11.2 Employees may apply to take one day's study leave per exam at the discretion of their manager.

- 11.3 Time off to resit exams should be taken as annual leave or flexi leave.
- 11.4 Employees should inform their manager of dates and times of examinations in order that cover arrangements can be made.

## **12.0 Interviews in other Local Authorities**

- 12.1 Employees will be able to take up to 5 days' paid leave per annum in order to attend interviews at other Local Authorities.
- 12.2 It is the Line Manager's responsibility to approve and monitor requests for time off to attend Local Authority Interviews. However, if the Manager has any query regarding leave arrangements these should be discussed with the appropriate Head of Service and Human Resources before any action is taken.

## **13.0 Leave for Medical Reasons**

### **13.1 Medical Screening**

Employees will be entitled to paid time off for the purpose of medical screening as deemed necessary by their GP or any relevant medical body.

Employees should inform their Line Manager of date and times of the appointment and provide details of appointments as soon as practicable in order that cover arrangements can be made.

### **13.2 Hospital Appointments**

Employees are entitled to paid time off to attend hospital appointments following referral by their GP or any relevant medical body.

Disability leave should be considered where a person needs time off every week, every few weeks, every few months or every year for medical appointments, treatments or rehabilitation relating to disability. Disability leave should not be counted towards trigger points. Please refer to the Absence Policy for detail.

Employees should inform their Line Manager of date and times of the appointment and provide details of appointments as soon as practicable in order that cover arrangements can be made

### **13.3 Fertility Treatment**

An employee will be given reasonable time off to undertake fertility treatment.

Employees must agree their time off arrangements with their manager in advance of the appointments and produce their appointment card where appropriate.

Employees on flexi-time should record time to attend appointments as described in the Flexitime Policy in the section relating to hospital appointments.

### **13.4 GP and Dental Appointments**

Normally employees should use flexi time to visit their GP or Dentist or arrange appointments outside work time.

### **14.0 Discretionary Leave**

14.1 Directors have discretion to grant to staff up to 5 days paid leave per annum. Discretionary leave will normally be used by employees who need to be with a seriously sick dependant or relative. However, the circumstances of each application will be considered thoroughly. Please also refer to the Carers Policy for further details.

### **15.0 Time off for Religious observance**

15.1 Many religions or beliefs have special festival or spiritual observance days. Employees may request holiday in order to celebrate festivals or attend ceremonies. Line Managers should sympathetically consider such requests and grant leave out of holiday entitlement, flexitime or unpaid leave.

### **16.0 Unpaid leave**

#### **16.1 Time off for Dependants**

Employees will be allowed reasonable unpaid time off to take the appropriate action necessary to resolve or deal with an issue which has arisen because of a dependant. The need to take time off will have arisen without notice and cannot be resolved without the employees' assistance. This provision is from Parental Leave (see section 13 in *Maternity, Paternity and Adoption Leave Policy & Procedure*).

Those classed as 'dependant' will normally be a child, partner or someone who reasonably relies on the employee for care and assistance.

Employees will be expected to contact their Line Manager as soon as practicable and advise them on the length and reason for their absence.

Examples of when Time off for Dependants Leave would be appropriate are as follows:-

- To assist when a dependant falls ill, is injured or assaulted,
- To make arrangements for the provision of care for a dependant who is ill or injured,
- Because of an unexpected disruption of care arrangements,
- To be with a dependant when she gives birth,
- In consequence of a dependants death.

These examples are not exhaustive and managers receiving requests for other than those situations detailed above should consult with their Head of Service and Human Resources before granting leave.

## **16.2 Court Attendance to Pursue a Personal Claim**

Employees who are attending court as the accused or to pursue a personal claim will be required to take annual or flexi leave.

## **16.3 Flexibility for Carers**

East Herts Council recognises that some employees have caring responsibilities and may need support to combine work with care. Please refer to the Carers Policy for further information about East Herts Council's commitment to supporting carers and the outline of the support available.

## **17.0 Review**

This procedure will be reviewed every three years or sooner if there are any changes in legislation requiring amendments to be made.

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EAST HERTS COUNCIL

LOCAL JOINT PANEL - 3 DECEMBER 2014

HUMAN RESOURCES COMMITTEE - 15 JANUARY 2015

REPORT BY SECRETARY TO THE EMPLOYER'S SIDE

REVISED FLEXIBLE WORKING POLICY

WARD(S) AFFECTED:      NONE

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## **Purpose/Summary of Report**

To approve the revised Flexible Working Policy

<b><u>RECOMMENDATION FOR LOCAL JOINT PANEL COMMITTEE:</u></b>	
<b>That:</b>	
(A)	The revised Flexible Working Policy be recommended for approval.
<b><u>RECOMMENDATION FOR HUMAN RESOURCES COMMITTEE:</u></b>	
<b>That:</b>	
(A)	The revised Flexible Working Policy is approved

### 1.0 Background

1.1 The Council's Flexible Working Policy was last reviewed in July 2012. The Council's programme of policy review is after three years or sooner in line with legislation and best practice.

### 2.0 Report

#### 2.1 **Key Changes**

2.2 The Flexible Working Policy has been updated to reflect the new

statutory rights. From 30 June 2014 every employee has the statutory right to request flexible working after 26 weeks employment service.

(Before 30 June 2014, the right only applies to parents of children under the age of 17 (or 18 if the child is disabled) and certain carers)

### **Key points**

- Requests should be in writing stating the date of the request and whether any previous application has been made and the date of that application
- Requests and appeals must be considered and decided upon within three months of the receipt of the request
- Employers must have a sound business reason for rejecting any request
- Employees can only make one request in any 12 month period

2.3 The revised Flexible Working Policy can be found at **Essential Reference Paper 'B'**

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

### Background Papers

None

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## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):	<b>People – Fair and accessible services for those that use them and opportunities for everyone to contribute</b>  This priority focuses on delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable.
Consultation:	SMG, Unison have been consulted on the revised policy.
Legal:	None
Financial:	None
Human Resource:	As detailed in the policy
Risk Management:	None
Health and wellbeing – issues and impacts:	This policy aims to set out the ways in which flexible working can increase staff motivation, reduce absence, attract new talent, promote work-life balance and reduce employee stress, and in doing so improve the Council's efficiency and productivity. As detailed in the policy.

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# **East Herts Council**

## **Flexible Working Policy**

### **Policy Statement**

#### **Policy Statement No 8 (Issue No 4)**

January 2015

# ESSENTIAL REFERENCE PAPER “B”

## Contents

1.0 Introduction	3
2.0 Scope	3
3.0 Eligibility	3
4.0 The Business Need	4
5.0 Flexible Working Options	5
6.0 Impact on Employment	9
7.0 Process	10
8.0 Monitoring	13
9.0 Appeal	14
10.0 Policy Review and Amendment	14
APPENDIX 1	15

## **1.0 Introduction**

- 1.1 The Council recognises the importance of helping its employees balance their work and home life by offering flexible working arrangements that enable them to balance their working life with other priorities, including parental and other caring responsibilities, life-long learning, charity work, leisure activities and other interests. In turn it recognises that staffing levels must at all times remain in line with the demands of the business.
- 1.2 This policy statement aims to set out the ways in which flexible working can increase employees motivation, reduce absence, attract new talent, promote work-life balance and reduce employee stress, and in doing so improve the Council's efficiency and productivity.
- 1.3 The policy considers the following options, but the Council recognises that there may be alternatives, and that the working pattern that may suit any particular individual could be a unique one involving a combination of options:
- part time working;
  - flexi time;
  - compressed hours;
  - voluntary-reduced working time;
  - term-time working;
  - career break;
  - job share (refer to Job Share Policy);
  - home/remote working (refer to Home Working Policy);
  - flexible/early retirement (refer to Retirement Policy).

## **2.0 Scope**

- 2.1 This scheme applies to all employees and the options contained within it apply to all Council full time and part-time employees.

## **3.0 Eligibility**

- 3.1 The Employment Rights Act 1996 gives every employee the statutory right to ask to work flexibly provided they

have worked for the Council for 26 weeks continuously at the date the application is made. An employee can only make a statutory request once in any 12 month period.

- 3.2 There is no automatic right for employees to change to any of the flexible working patterns - each application will be considered on the basis of the particular work involved and any detrimental effect the change could have on individual, team or business performance.
- 3.3 The Employment Rights Act 1996 gives the right for employee to request unpaid time off for training. Employees must have been continuously employed for 26 weeks and must show that the time off to train will increase their effectiveness in their job or is relevant to their employer's business.

#### **4.0 The Business Need**

- 4.1 Although the Council is committed to providing the widest possible range of working patterns for its workforce, some flexible working options will not be appropriate for all jobs across all service areas.
- 4.2 Where an instance of flexible working is proposed the Council will need to take into account a number of criteria including (but not limited to) the following:
- the cost of the proposed arrangement;
  - the effect of the proposed arrangement on other employees, customers, service, Council;
  - the level of supervision that the post-holder requires;
  - the structure of the service and staff resources;
  - other issues specific to the individual's service;
  - an analysis of the tasks specific to the role, including their frequency and duration;
  - analysis of the workload of the role.

#### **5.0 Flexible Working Options**

- 5.1 Part-time working

5.1.1 Part time working is where an employee is contracted to work fewer than 37 hours, the full time equivalent contractual hours per annum.

## 5.2 Flexi-time

5.2.1 Flexi-time is a system that permits flexibility of working hours at the beginning and end of a day.

5.2.2 The Council's flexi-time scheme operates between 08:00 to 18:30 Monday to Friday. There are no formal 'core' hours unless agreed by individual service areas. However there must be adequate resources to cover the normal business hours of the Council from 09:00 to 17:00 Monday to Friday and all services must ensure that they are staffed so as not to cause any detriment to service provision.

5.2.3 In specific situations it may be necessary to exclude employees from the scheme or place a limitation on flexibility because the nature of their work restricts them to working regular hours. SMG are required to work the hours necessary to allow them to perform their roles in accordance with their contracts and Working Time Regulations 1998.

5.2.4 Employees may elect not to participate in the flexi-time scheme, in which case they will work their 37 hours or their contracted hours with regard to the Council's normal office opening hours of 09:00 to 17:00.

5.2.5 An accurate system of recording the hours worked is required. All employees are required to read and follow the flexi time rules.

5.2.6 Depending on service needs, it may be necessary to stipulate that adequate cover is provided during the flexi period. Where normal operation of this scheme is suspended by senior management due to exceptional circumstances, e.g. severe weather conditions causing offices to close early, time recording guidance must be sought from HR.

- 5.2.7 Flexi-time can be applied successfully within many service areas, although inevitably some jobs will not operate practically under this system.
- 5.2.8 Working long hours can cause fatigue and affect performance. All Employees are required to take a lunch break of no less than 20 minutes. Employees must not work more than six hours continuously without a 20 minute break, in accordance with the Working Time Regulations. (Separate rules apply to young workers, advice should be sought from HR on this).
- 5.2.9 Unless the scheme is handled with care, additional burdens may be placed on some team members or customer service may suffer at particular times.
- 5.2.10 Any employee found abusing the scheme will be subject to disciplinary action, in line with the Council's procedures.

### 5.3 Compressed Hours

- 5.3.1 Compressed hours is a system that permits employees to work their total number of contractual hours over fewer working days. Usually a 5 day week is compressed into 4 days or 4.5days, a 10-day fortnight into 9 days or 18 day month (based on a 4 week month).

### 5.4 Temporary voluntary reduced working time

- 5.4.1 Temporary voluntary reduced working time is a system whereby it is agreed that the employee will work reduced hours for a certain period of time, with a return to their substantive working hours at the end of this period.

### 5.5 Term Time Working

- 5.5.1 Term time working is a system of flexible working where the employee's working weeks mirror schools' term weeks. All requests for term time working will be considered subject to operational needs.
- 5.5.2 Term time working may not be suitable for all roles or services and managers are required to ensure there is no



detriment to service provision and the required level of service is provided at all times.

5.5.3 A term time working employee will be expected to make themselves available for key training initiatives or service meetings even if they fall during school holidays. Adequate notice will be given to make alternative arrangements for those days and compensatory time off should be offered. In exceptional circumstances where alternative time off is not an option, other alternatives may be considered.

## 5.6 Career Break

5.6.1 A career break enables an employee with 2 years continuous service with the Council to take an unpaid break from work for personal reasons and maintain continuity of service with the Council.

5.6.2 It is recognised that during an employee's working life there will be times when personal commitments may take priority over work e.g. bringing up children, longer term care for sick or elderly relatives, or pursuing a course of further education. The Council can accommodate such personal commitments, where operationally practicable, through career breaks.

5.6.3 The purpose of a career break could be:

- to extend the maternity/adoption leave period
- caring responsibilities
- to enter full time education
- extended foreign travel
- to convalesce after a period of illness or major life crisis such as bereavement

5.6.4 These reasons are not all inclusive and others may be considered, with the major exception of taking up other paid employment.

5.6.5 The minimum career break is 3 months and the maximum break is one year. There is no limit to the number of career breaks an employee can take providing that they

return to work for the Council for a minimum of 2 years between each career break.

- 5.6.6 The employee is required to give a minimum of 3 months notice to commence a career break. With the exception of continuity of service all other terms of the employment contract with the Council will be suspended.
- 5.6.7 If the employee wishes to extend the career break, they must do so in writing giving a minimum of 3 months notice. The manager will give consideration to the extension along the same lines as the original request and may grant up to one year in total.
- 5.6.8 There will be no automatic right to cut short a career break but managers will consider such requests from an employee as they can accommodate, without impacting on service level.
- 5.6.9 At the end of a career break the employee will have the right to return to an equivalent position within their service where this is available. However, where this is not available the Council will offer an alternative which can include work elsewhere in the Council at a different level and pay. The new job would need to be a suitable alternative, as defined in the Council's Redundancy Policy.
- 5.6.10 The employee will be required to sign an agreement suspending all terms of their contract of employment, with the exception of continuity of service with the Council. The contract of employment will remain suspended for the duration of the career break. This will not constitute a break in service and general conditions of service will apply as at the start of the career break when the employee returns to work.
- 5.6.11 At the end of the career break the employee will return to the same pay incremental point they were on at the start of the career break which may result in salary protection if the post has been downgraded in a restructure.

- 5.6.12 Any live disciplinary warnings will be suspended for the duration of the career break and will be carried forward upon the employee's return to work.
- 5.6.13 A period of induction and/or retraining may be necessary on the employees return.
- 5.6.14 Employees should be kept informed on a regular basis of any key organisational or service developments.
- 5.6.15 The employee is required to maintain regular contact with the Council throughout their absence.

## **6.0 Impact on Employment**

### **6.1 Legal Issues**

- 6.1.1 Managers should consider the Working Time Regulations 1998 when considering flexible working requests.
- 6.1.2 This Policy has been written taking into consideration the ACAS Code of Practice on handling in a reasonable manner requests to work flexibly.

## **7.0 Process**

### **7.1 Considering the Request**

- 7.2.1 The employee is required to submit a request to work flexibly in writing to their manager using the Flexible Working Request form (Appendix 1). A copy must be sent to Human Resources. The request must include the following:

- the date of their application, the change to working conditions they are seeking and when they would like the change to come into effect;
- what effect, if any, they think the requested change would have on the employer and how, in their opinion, any such effect might be dealt with. Including consideration to any impact of their request upon their

own work, other team members and service delivery, and will be expected to offer constructive suggestions about how these can be managed.

- A statement that this is a statutory request and if and when they have made a previous application for flexible working.

7.2.2 On receipt of the request the manager should arrange a meeting to discuss the request with the employee within 10 days of receipt of the request. The discussion does not have to be face to face and if the manager and employee agree it can be held by phone or some other way.

7.2.3 Employees have the right to be accompanied at the meeting by a work colleague or Trade Union representative if they wish. This should be made clear to the employee before the discussion takes place and sufficiently in advance so that they can arrange the attendance of their companion.

7.2.4 When considering the request the manager should view it as objectively and fully as possible, taking into account the business needs (see 4.0) and the employees current role:

- Workload (of the person making the request, and the team)
- Options for re-scheduling / re-prioritising work
- Alternative options for flexible working
- Implications for conditions of service
- Financial Implications

7.2.5 There may also be other issues that are unique to the situation and these should be considered.

### 7.3 Making the Decision

7.3.1 The manager must notify HR of the decision so that a letter can be sent to the employee within 3 days of the meeting being held.

### 7.4 Multiple Requests

7.4.1 Where a manager receives a number of flexible working proposals, or a joint proposal from a group of employees, the requests will have to be considered collectively.

## 7.5 Trial Periods

7.5.1 All flexible working requests should include a trial period for both the benefit of the employee and the service. This is to establish whether the arrangements requested are sustainable in the Council, the impact on the role, colleagues and service(s). The trial period will be agreed between the employee and manager taking into consideration the role of the individual. A review date will be agreed for the employer and employee to jointly discuss how the new arrangements are working and make any necessary adjustments.

7.5.2 A successful trial period should be confirmed in writing stating that the arrangement is now permanent. If the trial period is unsuccessful, this must be explained to the employee and also confirmed in writing (please contact HR for template letters) It is the manager's responsibility to ensure this review takes place.

7.5.3 Individuals will have the right to revert back to their original pattern of working within the trial period subject to their giving appropriate notice.

7.5.4 If it is considered that the trial period has been unsuccessful, the reasons for this decision must be communicated to the employee(s), ideally by discussion and followed up in writing. Managers should use the reasons outlined in point 7.2.4 when explaining their decision.

## 7.6 Refusing the Request

7.6.1 If it is considered that a post is unsuitable for the specific flexible working option proposed by the employee or group of employees, the reasons for this decision must be communicated to the employee(s), ideally by discussion and followed up in writing. Requests for flexible working

should only be refused on one of the following 10 business grounds:

1. Burden of additional costs
2. Detrimental effect on the ability to meet customer demand
3. Inability to reorganise work among employees
4. Inability to recruit additional employees
5. Detrimental impact on quality
6. Detrimental impact on performance
7. Insufficiency of work during the period the employee proposes to work
8. Planned structural changes
9. Other relevant business grounds
10. Working Time Regulations 1998 are not met

7.6.2 Managers should contact their HR Officer for advice if refusing a flexible working request.

## **8.0 Monitoring**

8.1 All flexible working arrangements are subject to a proviso that the employee may be required to revert back to their original pattern of working if there are identifiable and significant operational problems identified at any time. Such action will not be taken unreasonably and will always be subject to full discussion with the individual(s) concerned and the giving of appropriate notice.

8.2 Individuals who have already changed their working pattern through a flexible working application will have the right to request to further vary their pattern of working and managers should treat this as a new request for flexible working. An employee can only make a statutory request once in any 12 month period.

## **9.0 Appeal**

9.1 Where an employee is dissatisfied with a decision in relation to a proposal they have made to work more

flexibly, they can appeal the decision in accordance with the Council's Appeals Policy.

## **10.0 Policy Review and Amendment**

- 10.1 This Policy shall be reviewed after three years or sooner in line with legislation and best practice to reflect the best possible level of support and management.

# FLEXIBLE WORKING REQUEST FORM

## Note to the employee

It will help the Council to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the application form.

When completing sections 3 and 4, think about what effect your change in working pattern will have both on the work that you do, your service and on your colleagues.

**Once you have completed the form, you should forward it to your Line Manager and send a copy to HR.**

## 1. Personal Details:

Name:

Job Title:

Service:

Line Manager:

2a. Describe your current working pattern (days/hours/times worked):



**2b. Describe the working pattern you would like to work (days/hours/times worked):**

**2c. I would like my new working pattern to commence from:**

**Date:**

**3. Impact of the new working pattern**

**I think this change in my working pattern will affect the Service and my colleagues as follows:**

**4. Accommodating the new working pattern**

**I think the effect on the Service and colleagues can be resolved as follows:**

**5. Is this a Statutory Request? YES/NO**

**6. Have you made a previous application in the last 12 month period? YES/NO**

**Signed .....**

**Dated... ..**

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EAST HERTS COUNCIL

LOCAL JOINT PANEL - 3 DECEMBER 2014

HUMAN RESOURCES COMMITTEE - 15 JANUARY 2015

REPORT BY SECRETARY TO THE EMPLOYER'S

CARERS POLICY

WARD(S) AFFECTED:        NONE

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**Purpose/Summary of Report**

To approve the new Carers Policy

<b><u>RECOMMENDATION FOR LOCAL JOINT PANEL:</u></b>	
<b>That:</b>	
(A)	The new Carers Policy be recommended for approval
<b><u>RECOMMENDATION FOR HUMAN RESOURCES COMMITTEE:</u></b>	
<b>That:</b>	
(A)	The new Carers Policy be approved

1.0    Background

1.2    The Carers Policy is a new policy created to address the needs of employees with significant caring responsibilities that have a substantial impact on their working lives.

1.3    The Carers Policy supports the Health and Wellbeing Agenda.

2.0    Report

2.1    **Key Changes**

2.2    The Carers Policy is a new policy created to address the needs of

employees with significant caring responsibilities that have a substantial impact on their working lives.

**2.3** The new Carers Policy can be found at **Essential Reference Paper 'B'**.

**3.0** Implications/Consultations

**3.1** Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	<b>People – Fair and accessible services for those that use them and opportunities for everyone to contribute</b>  This priority focuses on delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable.
Consultation:	SMG, Unison have been consulted on this new policy.
Legal:	None
Financial:	None
Human Resource:	As detailed in the policy
Risk Management:	None
Health and wellbeing – issues and impacts:	The policy has been developed to support the Health and Wellbeing agenda and Carers in Hertfordshire report raised at the Health and Wellbeing Panel on 17 June 2014.

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# **East Herts Council**

## **Carers Policy**

### **Policy Statement**

#### **Policy Statement No 44 (Issue No. 1) January 2015**

<b><u>Contents</u></b>	<b>Page</b>
1. Introduction	3
2. Policy definitions	3
3. Identification and Disclosure	4
4. Resources and Support	4
5. Flexibility for Carers	5
6. Time off for Carers	7
7. Review	8



## 1. **Introduction**

- 1.1. This policy sets out East Herts Council’s commitment to supporting carers and outlines the support that is available.
- 1.2. East Herts Council recognises that many employees have caring responsibilities and many of these individuals may need support to combine work with care.
- 1.3. East Herts Council respect and value the diversity of individuals and embrace Equality and Diversity in everything we do in line with East Herts Council’s organisational values. East Herts Council’s policies apply to all staff regardless of age, sex, race, sexual orientation, gender reassignment, disability, pregnancy or maternity, religion or belief.
- 1.4. This policy applies to all employees including Chief Officer level that are employed by East Herts Council.

## 2. **Policy Definitions**

- 2.1. East Herts Council define a carer as:

*Someone who is the parent of a disabled child or provides help and support to a partner, relative or friend, who may not be able to manage without this help because of frailty, illness or disability.*

- 2.2. This description means employees with significant caring responsibilities that have a substantial impact on their working life. An employee is a carer if they are responsible for the care and support of a disabled, elderly or sick partner, relative or friend who is unable to care for him or herself. More than one person may be a carer for the same person (for example, both partners caring for a disabled child and two siblings caring for a frail parent).
- 2.3. The activities that carers undertake are wide ranging, including:
  - help with personal care;
  - help with mobility;
  - managing medication;

- practical household tasks;
- emotional support; and
- help with financial matters or paperwork.

2.4 East Herts Council define a **parent** as:

*Someone who is the parent or guardian of a child or children*

Child or children are those aged 18 or under and a parent must have responsibility for the upbringing of the child or children.

Any references in this policy to partner applies to both heterosexual and same-sex relationships.

3. **Identification and Disclosure**

- 3.1 Employees are not required to disclose to their manager that they are caring for someone, but are encouraged to do so. This will enable the manager to provide appropriate support to the employee (see support section). Managers should encourage employees to discuss their caring responsibilities with them. They should respect the employee's confidentiality concerning this information.

Where responsibilities change during an employee's career, they can update their records by contacting the Human Resources Service.

4. **Resources and Support**

- 4.1 There are a number of sources of support for Carers in Hertfordshire:

- **HCC's Health and Community Services (HCS)**
  - Committed to supporting carers through the Multi Agency Carers Strategy
  - Carry out carer assessments
- **Carers in Hertfordshire**
  - Carers in Hertfordshire give support and information to unpaid family and friends who look after someone

## ESSENTIAL REFERENCE PAPER “B”

- Carers in Hertfordshire offer a range of free workshops and training related to caring as well as courses and learning events to help with your life outside caring through their Carers and Learning project.
- **Crossroads**
  - Provide support to carers via ‘care at home’ to give carers a break
  - Contact details are available on their website.
- **Health and Wellbeing Benefits**
  - East Herts Council provides advice, guidance and benefits to help employees maintain a healthy work-life.
  - Guidance available to employees can be found on our intranet under Health and Wellbeing Benefits.
- **Employee Assistance Programme (PPC)**
  - East Herts Council’s employee assistance programme (EAP) through PPC is available 24 hours a day, 7 days a week. It offers general information, advice and counselling (over the phone or face-to-face).
- **Childcare Voucher Salary Sacrifice Scheme**
  - East Herts Council’s salary sacrifice scheme enables employees to save on tax and national insurance. Further information is on the East Herts Council’s intranet pages.

### 5. **Flexibility for Carers**

- 5.1 All of the following arrangements are subject to the needs of the service and agreement by the relevant manager in the service.
- 5.2 Agreement to permanent alternative working patterns may also be subject to a trial period, which should be jointly agreed.

### 5.3 **Flexible Working**

Flexible working hours allow flexibility in starting and finishing times along with the opportunity to take flexi time. The scheme does not however operate in all teams; managers

will advise what flexibility can be offered in a particular service area. For further information see the Flexi time (condensed) and Flexi time Guidance notes

The employee must inform their manager if their caring responsibilities change as the informal flexible working arrangement may need to be reviewed and the employee may require more or less support.

Managers have the right to review and turn down informal flexible working arrangements if they do not fit in with the business needs, for example, if an employee needs to work from home on the day team meetings are held.

#### 5.4 Flexible Working Requests

The Flexible Working Policy details the various flexible working options that can be requested on a permanent or temporary basis including:

**Part time working:** Reducing hours to meet caring responsibilities

**Home working:** Enables employees in certain jobs to work from home

**Annualised hours:** Employees who are contracted to work a specific number of hours over a year. This allows some flexibility in when hours are worked, e.g. reduced hours during school holiday periods and increased hours during term time

**Job sharing:** This involves two people sharing a full time post

**Compressed hours:** The working week is compressed into fewer working days e.g. 37 hours can be worked in a 4 day week or 4 1/2 day week

**Career breaks:** These enable employees to take an unpaid break from work for personal reasons; this includes caring for dependants or extending a period of maternity/adoption leave. For further information see the General Leave Policy.

## 6. **Time off for Carers**

6.1 Requests for leave should be made to the manager and recorded in line with the General Leave Policy.

### 6.2 **Attendance of Carer Support Groups**

Managers may approve flexitime for employees wishing to attend a carers' support group, if these fall within normal working hours.

### 6.3 **Emergency and discretionary leave**

Heads of Service may approve up to 5 days paid leave in any leave year for a variety of reasons including caring for sick dependants or dealing with unexpected care issues. For example, discretionary leave will normally be used by employees who need to be with a seriously sick dependant or relative if home-care arrangements break down and an employee suddenly needs to make alternative arrangements or an employee needs to collect a dependent due to an unexpected injury or illness. For further information see the General Leave Policy.

### 6.4 **Bereavement leave**

Managers may approve up to 5 days paid leave in any leave year for employees to deal with the death of a close relative. For further information see the General Leave Policy.

### 6.5 **Unpaid leave**

Managers may approve reasonable unpaid leave to allow employees to resolve or deal with an issue arising, without notice, because of a dependant. Please refer to the General Leave Policy.

### 6.6 **Annual leave**

Employees can carry forward up to 5 days holidays for their annual entitlement per annum to help with caring responsibilities. For more information, please refer to the Flexible Working Policy and General Leave Policy.

## 6.7 **Maternity support and Parental leave**

In addition to the above, there are a range of options specifically available to help employees with parenting responsibilities including: Parental Leave, Maternity Leave, Shared Parental Leave and Adoption Leave. For further information, please refer to the Council's policies.

## 7.0 **Review**

This procedure will be reviewed every three years or sooner if there are any changes in legislation requiring amendments to be made.

EAST HERTS COUNCIL

LOCAL JOINT PANEL - 3 DECEMBER 2014

HUMAN RESOURCES COMMITTEE - 15 JANUARY 2015

REPORT BY SECRETARY TO THE EMPLOYER'S SIDE

RETIREMENT POLICY

WARD(S) AFFECTED:      NONE

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**Purpose/Summary of Report**

To approve the revised Retirement Policy

**RECOMMENDATIONS FOR LOCAL JOINT PANEL:**

**That:**

(A)	The revised Retirement Policy is recommended for approval
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**RECOMMENDATION FOR HUMAN RESOURCES COMMITTEE:**

**That:**

(A)	The revised Retirement Policy be approved
-----	-------------------------------------------

1.0 Background

1.1 The Council's Retirement Policy was last reviewed in 2012. The Council's programme of policy review is after three years or sooner in line with legislation and best practice. Significant changes were made to the Local Government Pension Scheme with effect from 1 April 2014.

1.2 East Herts Council as an employer is under a legal duty to prepare and publish a written statement of its policy relating to certain discretionary powers under the Regulations which apply to the Local Government Pension Scheme ("the LGPS").

- 1.3 East Herts Council is also under a duty to formulate, publish and keep under review the policy that East Herts Council applies in exercising discretionary powers under Regulations relating to the payment of compensation to employees whose employment is terminated as a result of redundancy or certain other reasons.
- 2.0 Report
- 2.1 **Key Changes**
- 2.2 The Retirement policy has been updated to reflect the changes in the Local Government Pension Scheme and the repeal of the statutory default retirement age (the previous policy covered the transitional arrangements between 1 October 2011 and 3 October 2012 which is no longer relevant). The Policy has also been updated to reflect changes in the Council's life insurance scheme.
- 2.3 The revised Retirement Policy can be found at **Essential Reference Paper 'B'**.
- 2.4 The policy on Exercise of Employer Discretions (Essential Reference Paper C) is intended to comply with the Council's duties and sets out the discretionary powers concerned, identifies the relevant Regulation that gives East Herts Council the discretion and describes how the discretion will be exercised.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers - None

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## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):	<b>People – Fair and accessible services for those that use them and opportunities for everyone to contribute</b>  This priority focuses on delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable.
Consultation:	SMG, Unison and LPFA have been consulted on the revised policy.
Legal:	East Herts Council as an employer is under a legal duty to prepare and publish a written statement of its policy relating to certain discretionary powers under the Regulations which apply to the Local Government Pension Scheme ("the LGPS").
Financial:	East Herts Council is also under a duty to formulate, publish and keep under review the policy that East Herts Council applies in exercising discretionary powers under Regulations relating to the payment of compensation to employees whose employment is terminated as a result of redundancy or certain other reasons.
Human Resource:	As detailed in the policy
Risk Management:	None
Health and wellbeing – issues and impacts:	As detailed in the policy

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# **East Herts Council**

## **Retirement Policy**

### **Policy Statement**

#### **Policy Statement No 37 (Issue No 3)**

**January 2015**

CONTENTS

1.0	INTRODUCTION	3
2.0	SCOPE OF THE POLICY	4
3.0	GENERAL RETIREMENT PROCEDURE	4
4.0	DISCRETIONS TAKEN BY THE COUNCIL	7
5.0	REMOVAL OF THE 85 YEAR RULE	8
7.0	EARLY RETIREMENT (VOLUNTARY REQUEST) (REGULATION 30)	10
8.0	RETIREMENT ON ILL HEALTH GROUNDS	100
9.0	FLEXIBLE RETIREMENT	122
10.0	AUTHORISATION PROCEDURE FOR EARLY/ FLEXIBLE RETIREMENT	133
11.0	RE-EMPLOYMENT AND ABATEMENT	143
12.0	POLICY REVIEW AND AMENDMENT	144

**1.0 Introduction**

- 1.1 This policy sets out the Council’s approach to retirement.
- 1.2 The Council does not have a mandatory retirement age.
- 1.3 The Normal Pension Age under the Local Government Pension Scheme (LGPS) is the same as the State Pension Age for that employee (but with a minimum of age 65).
- 1.4 The Council is committed to equal opportunities for all its employees. The Council 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 and are able to do so. The Council operates a flexible retirement policy and employees may request voluntary retirement at a time of their choosing.
- 1.5 The Council has adopted this policy and procedures with the aim of dealing with every individual member of staff in a caring, sensitive manner and in the best interests of the Council.
- 1.6 The Council recognises that changes in operational requirements will mean that some jobs become redundant or alter substantially to improve service efficiency. In either situation the Council will strive to avoid dismissals. Therefore, prior to early or flexible retirement being agreed for either of these reasons, all other alternatives such as redeployment and retraining will be explored. It would normally be expected that members of staff would be placed in the Redeployment Register to seek alternative employment within the Council unless it is agreed that this is not required.
- 1.7 The Local Government Pension Scheme (LGPS) summary guide should be referred to when considering retirement. This is available on request from LPFA Pensions.
- 1.8 All Councils are required to have a formal statement of their policy on their discretions under the Pension Regulations and keep this under review. Appendix B sets out those discretions. Any amendment to this policy must be published at least one month before it takes effect.
- 1.9 The LGPS also contains procedures for complaints or appeals from staff within an Internal Disputes Procedure who think there has been

a mistake or that their entitlement has been incorrectly assessed. Details can be obtained from LPFA Pensions.

- 1.10 Nothing in this policy statement varies the statutory provisions relating to the LGPS and redundancy provisions. Employees considering retirement within the scope of this policy should take independent financial advice and in support of that the Council will provide estimates of benefits and entitlements.

## **2.0 Scope of the Policy**

- 2.1 This policy applies to all employees, of East Herts Council including Chief Officers.

- 2.2 Employees who are members of the Local Government Pension Scheme may be able to obtain early release of their pension benefits in certain circumstances. These are:-

- a) Early termination of employment for Redundancy (see Redundancy policy)
- b) Early termination of employment in the interests of the efficiency of the service
- c) Early retirement (voluntary requests)
- d) Retirement on ill health grounds
- e) Flexible retirement (part pension/part employment)

- 2.3 Sections 3 – 11 of the policy cover employees who are members of the Local Government Pension Scheme (LGPS). Note that some of the benefits apply also to employees who are eligible to be members.

- 2.4 This policy and procedure should be considered alongside the following:-

- Provisions of the New LGPS Scheme
- The Council’s Absence Management Policy
- The Council’s Redundancy Policy

## **3.0 General Retirement Procedure**

- 3.1 If an employee has decided that they wish to retire, they should inform their line manager in writing as far in advance as possible and, in any event, in accordance with their notice period as set out in their contract of employment. This will assist the Council with its succession planning. Please see Appendix A for form.

- 3.2 The Line Manager will write to the employee acknowledging the employee’s notice to retire.
- 3.3 The Line Manager will arrange a meeting with the employee to discuss arrangements for retirement, including the intended retirement date, succession and handover plans, pension details and phased retirement, if applicable.
- 3.4 The Council may offer pre-retirement training as part of the Learning and Development programme. Details of this training are available from the HR department.
- 3.5 Employees should consider their pension provision and take independent financial advice before making any decision in relation to retirement. The Council is prohibited from giving pension advice.

### **3.6 Workplace discussions**

- 3.6.1 The Performance Development Review meetings are a good opportunity for employees and managers to discuss the Council’s and individuals future plans and expectations. During these meetings employees may discuss their future plans or proposals for retirement. This can also be done at their monthly 1-2-1 meetings. A record of any discussions will be kept in the usual way and a copy given to the employee.
- 3.6.2 A discussion about possible retirement will not result in the Council making any assumptions about the employee’s commitment to the Council. The Council seeks to retain the best talent, including older employees. Workplace discussions are an informal opportunity for both the Line Manager and employees to plan jointly for the future.

### **3.7 Succession planning**

- 3.7.1 An employee who is shortly to retire will often have considerable knowledge in relation to their role and responsibilities. The Council may require the employee’s assistance and cooperation for succession planning.
- 3.7.2 Prior to retirement, employees should cooperate with the Council, if requested to do so, by:
- providing full written details of the status of work projects and future steps

- assisting with reviewing the job description, if necessary
- ensuring a smooth handover of work
- assisting in training any successor

### **3.8 Pension and insurance benefits**

3.8.1 Employees who have reached their Normal Pension Age who are members of the Council's occupational pension scheme will remain entitled to the benefits of the scheme, in accordance with its rules.

3.8.2 Employees working after their Normal Pension Age may

- a) put their benefits to date into payment from their Normal Pension Age and
  - start a new period of pensionable service by continuing to make contributions
  - OR
  - Cease making contributions
- b) defer accrued benefits to retirement

The Council will continue to pay the employer's contributions for as long as an employee pays into the fund. According to Local Government Pension Scheme criteria employees receive their pension on retirement or the eve of their 75th birthday, whichever occurs first. Pension drawn after Normal Pension Age will be paid at an increased rate. Employees taking flexible retirement after Normal Pension Age will also have increased benefits to reflect late payment. For further information contact LPFA.

3.8.3 Employees who are members of the Council's pension scheme and who have decided to retire on a specific date may request details of their pension entitlement from Payroll.

3.8.4 The Council's pension scheme allows employees to draw their pension at any time from the age of 55. However, if the pension is drawn before Normal Pension Age, pension payments will be subject to a reduction.

3.8.5 The Council provides life insurance for all employees including casuals working more than one hour per week, until their 65th birthday. Employees who are in the life insurance scheme at the renewal prior to their 65th birthday will remain covered until the day



before their 70th birthday when cover ceases and cannot be extended further. New employees aged 64 or greater must complete an application form provided by HR to seek an extension of cover up to their 70th birthday. The insurer will consider the application and notify the Council of their decision. Enrolment is not automatic. It is not feasible to continue this benefit for employees 70 and over. Therefore, in accordance with current legislation, the Council withdraws life insurance cover for any employee who has reached the age of 70 or over.

#### **4.0 Discretions taken by the Council**

4.1 In taking the decisions relating to discretions the Council is required to be mindful of the extent to which the exercise of these discretionary powers (in accordance with the policy), unless properly limited, could lead to a serious loss of confidence in the public service; and be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

4.2 The aims in formulating the policy are:

- to maintain as far as possible levels of compensation consistent with what had been provided under previous regulations and discretions;
- to make the policy simple and easy to understand.

4.3 East Herts Council retains the discretion to decide whether or not to grant early/flexible retirement and will take into account, among others, the following factors:-

- The need to retain an appropriate balance of skills and experience in the service concerned;
- The business need to ensure services are maintained and delivered effectively; and
- The cost of the retirement to the Council and pension scheme compared to the potential savings accruing from the proposal.
- Potential savings identified by the retirement to the Council.

The above list is not exhaustive and there may be other relevant factors that may be taken into account in individual cases.

4.4 These provisions contain general policy guidance and each individual case will be considered on its merits and special reasons

as to why the general policy might be varied will be taken into account. The final decision on all cases will be made by Corporate Management Team (CMT) on the basis of a report by the individual’s Head of Service or HR Committee with respect to a Chief Officer. In addition, as appropriate the provisions of the Council’s current policies on redundancy and absence management will guide the process.

## 5.0 **Rule of 85 protection**

5.1 The 85 year rule **no longer applies** unless an employee has a rule of 85 protection. To have a rule of 85 protection employees must have been a member of the LGPS on 30 September 2006. The rule of 85 is satisfied if an employee’s age at the date when they draw their pension plus their Scheme membership (each in whole years) adds up to 85 years or more.

5.2 For those members who have rule of 85 protection this will continue to apply. It protects some or all of a member’s benefits from the normal early payment reduction and will automatically be applied (except where a member voluntarily draws their pension on or after age 55 and before age 60 – as this is a new option in the scheme from April 2014). For more information on the 85 year rule visit the LGPS website [www.lgps.org.uk](http://www.lgps.org.uk)

## 6.0 **Early Retirement for the Efficiency of Service**

### 6.1 **Criteria**

- Initiated by management in accordance with the Council’s Redundancy Policy
- To facilitate organisational change short of redundancy
- Other options such as redeployment or retraining have been considered and discussed with HR
- Case is justified by at least one of these four factors – effectiveness, economy, health and compassion
- Significant improvement in organisational efficiency e.g. needs of job have changed, new skills required, need to work in a different way
- Post will be replaced
- Demonstrate savings e.g. replacement at lower grade or point on salary scale or greater productivity

## ESSENTIAL REFERENCE PAPER “B”

- The employee has at least three months total membership or has brought a transfer value into the LGPS
- The Head of Service will submit a report for approval to CMT.

### 6.2 Circumstances in which Early Retirement for the Efficiency of Service may be appropriate

6.2.1 Where, due to no fault of an individual member of staff, the work method or job content have altered to the extent that they affect fundamentally the competence of the member of staff (e.g. technology, changes in legislation or organisation, development of professional standards). Note: If the job content changes greatly, redundancy may be more appropriate. Consult HR.

6.2.2 Where a member of staff has a particular medical condition which, whilst not considered by the Council’s Occupational Health Adviser to justify retirement on the grounds of ill health does significantly impede the proper performance of the job.

6.2.3 Where a member of staff has particular personal or domestic circumstances, which are overwhelming to the extent that the interests of the service suffer.

6.2.4 Where, through a reorganisation or other reasons, the scope and content of the duties and responsibilities have diminished to the extent that, whilst not justifying redundancy, they nevertheless adversely affect the efficiency of the organisation.

6.2.5 Where a combination of circumstances, both in the job and the individual are adversely affecting efficiency, but where these circumstances do not involve wilful inadequate performance, which should be more appropriately the subject of disciplinary or capability action.

### 6.3 Circumstances in which Early Retirement for the Efficiency of Service is not appropriate

- 6.3.1 If the member of staff has a medical condition ill health retirement should be explored first, and efficiency retirement should be used only if 6.2.2 above applied.
- 6.3.2 Efficiency retirement is not to be used as an alternative to or substitute for disciplinary action or positive managing capability.
- 6.3.3 In cases involving staff with disabilities, efficiency retirement should not be used until every effort has been made to make reasonable adjustments to the job, in accordance with the Equality Act 2010.

## **7.0 Early Retirement (Voluntary Request)**

### 7.1 Process

- Initiated by employee by means of written request to their Head of Service stating grounds and case for consideration
- The Head of Service will submit a report for approval to CMT.

### 7.2 Criteria

- Improvement in organisational efficiency e.g. needs of job, new skills required, need to work in different ways, improved productivity.
- Strain on the pension fund in relation to the benefit obtained by the Council
- Need to replace the post
- Length of service with East Herts Council.
- The employee has at least three months total membership or has brought a transfer value into the LGPS

7.3 Early retirement may impact on accrued pension benefits. Advice on the impact to the employee’s pension should be obtained by the employee contacting Payroll before any application is made.

## **8.0 Retirement on Ill Health Grounds**

### 8.1 Process

## ESSENTIAL REFERENCE PAPER “B”

- Initiated by employee by means of written request to their Head of Service stating grounds and case for consideration; or Initiated by management as an outcome of a Capability Hearing under the Absence Management Policy.
- The Head of Service will submit a report for approval to CMT.

### 8.2 Criteria:

- To qualify for ill-health retirement, the employee must have at least 3 months membership of the scheme or have transferred other pension rights into the LGPS and the Council's Medical Adviser must provide a certificate confirming that the employee is 'permanently incapable of discharging efficiently the duties of his/her employment because of ill-health or infirmity of mind or body and the employee has a reduced likelihood of obtaining gainful employment (whether in local government or elsewhere) before Normal Pension Age. There are 3 tiers for the Council's Medical Adviser to consider.
- Absence Management Policy has been followed.
- Eligible membership under LGPS provisions (See Pension Guide Book)

### 8.2 Benefits:

Benefits from 1 April 2008 depend on the tier the Council's Medical Adviser judges the employee falls into.

- Tier 1; if the employee is judged to have no reasonable prospect of being capable of obtaining gainful employment before Normal Pension Age, pension benefits are payable based on accrued membership plus 100% of prospective membership between leaving and Normal Pension Age.
- Tier 2; if the employee is judged to be incapable of obtaining gainful employment within 3 years of leaving but is likely to be capable of obtaining gainful employment before Normal Pension Age, pension benefits are payable based on accrued membership plus 25% of prospective membership between leaving and Normal Pension Age.
- Tier 3; if the employee is judged to be capable of obtaining gainful employment within 3 years of leaving, short-term reviewable pension benefits are payable based on accrued membership only.

Note: gainful employment means paid employment for not less than 30 hours in each week for a period of not less than 12 months.

## 9.0 Flexible Retirement

### 9.1 What is flexible retirement?

Rather than continuing in your job to Normal Pension Age you can, on or after age 55 and with your employer’s consent, reduce your hours permanently and/or reduce your grade (which will require new job description and person specification) and draw your accrued Local Government pension scheme benefits whilst continuing in employment and building up further benefits in the Scheme, enabling you to ease into retirement.

### 9.2 The benefits to the Council of flexible retirement are:

- Retention of key skills and knowledge
- Ability to encourage knowledge and skills transfer
- Added flexibility around where the employee works and the filling of their post

The benefits to the employee of flexible retirement are:

- To support their gradual move into retirement over a two year period – key lifestyle change
- Opportunity to continue contributing to the organisation while pursuing other interests
- Ability to work while accessing Local Government pension (for those in the scheme)

### 9.3 Can I have a gradual move into retirement?

9.3.1 You can request flexible retirement whether or not you are in the Local Government pension scheme and this will be considered by your manager, using the criteria detailed below.

9.3.2 You can continue paying into the LGPS to build up further benefits in the Scheme. See section 3.8.2 for further details.

### 9.4 Process

- Initiated by employee by means of an application form (see Appendix C) submitted to their Head of Service.

- The Head of Service will submit a report for approval to CMT.
- Should the employee wish to change the terms of the approved flexible retirement a new application form would need to be submitted to their Head of Service, who would submit a report for approval to CMT.

## 9.5 Criteria

The Council policy is that this pension scheme provision may be used in cases where:

- The permanent reduction in hours is greater than 25% of their current working hours and/or
- There is a reduction in grade
- An application for flexible retirement is received within 3 months of a change in reduction of 25% of hours and/or grade
- The employee has at least three months total membership or has brought a transfer value into the LGPS
- The employee wishes to reduce their hours permanently and/or change their grade to support their gradual move into retirement within 2 years of their application being approved.

## 10.0 Authorisation Procedure for Early/ Flexible Retirement

- 10.1 On re-structuring, potential redundancy situation, or formal request by employee, the Head of Service (or individual) must seek advice/ guidance from their HR Officer who will calculate preliminary estimates of employee costs/benefits.
- 10.2 The Head of Service (with advice from an HR Officer) will undertake preliminary consultation with the employee ensuring that discussions are clearly stated to be subject to available discretions, that costs and savings quoted are estimates only and that the final decision is subject to CMT approval. This consultation may be in the course of following processes under other Council policies, such as absence management and consultation on restructuring proposals.
- 10.3 The Head of Service will request details of costs/savings from HR/Payroll and investigate the impact of the request on the service.
- 10.4 The Head of Service (with advice from an HR Officer) will undertake formal consultation with employee. Employee will be notified that recommendation is still subject to CMT approval at this stage.

- 10.5 The Head of Service will submit a report for approval to CMT.
- 10.6 Following CMT approval, the decision will be confirmed to the employee in a meeting and followed up in writing within 3 working days.

## **11.0 Re-employment and Abatement**

### **11.1 Re-Employment of Individuals Granted Early Retirement**

- 11.1.1 The re-employment of ex-East Herts employees who have been granted retirement with severance payments should not be undertaken without prior consultation with HR.

### **11.2 Abatement of Local Government Pension**

- 11.2.1 In the case of Flexible Retirement, where a pensioner continues to work for East Herts Council there will be no abatement of pension. Should that employee obtain further employment with another Local Government Pension Scheme employer abatement of pension will apply if the pensioner's pay for the new post plus the LGPS pension exceeds the pay in the post from which the pensioner flexibly retired.
- 11.2.2 Where an employee takes standard or early retirement from one Local Government Employer and then takes up further employment with another Local Government Employer abatement of pension will apply if the pensioner's pay for the new post plus the LGPS pension exceeds the pay in the post from which the pensioner retired.
- 11.2.3 Abatement rules are set out in the LGPS Regulations 1995 and, if applicable, the LG (Discretionary Payments) Regulations 1996.

## **12.0 Policy review and amendment**

- 12.1 This Policy shall be reviewed after three years or sooner in line with legislation and best practice to reflect the best possible level of support and management.



Notice of intention to retire

<b>Employee's Name:</b>			
<b>Payroll Number:</b>			
<b>Directorate:</b>			
<b>Service:</b>			
<b>I am writing to notify the Council that I wish to retire and terminate my contract of employment.</b>			
Proposed retirement date:			
Notice period as set out in my contract of employment:			
Once you have given notice of your intention to retire you may request a change in your working pattern in order to prepare for retirement. Would you like to discuss phased retirement?			Yes/No
The Council offers free training for employees on planning for retirement. Do you wish to receive further information on this?			Yes/No
<b>Signed:</b>		<b>Date:</b>	

Please return this form to your Head of Service.

Appendix C

**Flexible Retirement Application Form**

*Note to the employee*

It will help the Council to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the application form. When completing sections 3 and 4, think about what effect your change in working pattern will have both on the work that you do, your service and on your colleagues. Once you have completed the form, you should immediately forward it to your Head of Service (you might want to keep a copy for your own records). If the request is granted, this will be a **permanent change** to your terms and conditions and you will not be able to make any further requests for any new flexible retirement arrangements.

**It is important to consider your application very carefully if you have more than one job, internal or external of the Council, as this may have serious tax implications. Please contact LPFA for more information regarding this.**

**Note to Head of Service:**

Please can you confirm receipt of this application form. Please consult with Human Resources before advising the employee of any decision that has been reached.

**1. Personal Details:**

Name:

Payroll number:

Manager:

National Insurance No:

I would like to apply to amend my working arrangements under the flexible retirement procedure.

**Criteria to request flexible retirement -**

- I am over the age of 55 years old
- This is my only application to request flexible retirement.
- My request complies with the flexible retirement procedure, in that I am proposing my hours are reduced by at least 25% or my grade is reduced.
- I have considered my own personal tax implications in accepting flexible retirement
- I wish to retire in the next two years.

2a. Describe your current working pattern (days/hours/times worked):

2b. Describe the working pattern you would like to work under flexible retirement (days/hours/times worked):

2c. I would like my flexible retirement to commence from:

Date:

3. Impact of the new working pattern

I think this change in my working pattern will affect the Service and my colleagues as follows:

4. Accommodating the new working pattern

I think the effect on the Service and colleagues can be resolved as follows:

Signed .....

Dated.....

Please return your application for to your Head of Service for their consideration.

## **EAST HERTS COUNCIL**

### **LOCAL GOVERNMENT PENSION SCHEME**

#### **PAYMENT OF DISCRETIONARY COMPENSATION TO EMPLOYEES**

##### **POLICY ON EXERCISE OF EMPLOYER DISCRETIONS**

East Herts Council as an employer is under a legal duty to prepare and publish a written statement of its policy relating to certain discretionary powers under the Regulations which apply to the Local Government Pension Scheme (“the LGPS”).

East Herts Council is also under a duty to formulate, publish and keep under review the policy that East Herts Council applies in exercising discretionary powers under Regulations relating to the payment of compensation to employees whose employment is terminated as a result of redundancy or certain other reasons.

This document is intended to comply with these duties and, in the following table, sets out the discretionary powers concerned, identifies the relevant Regulation that gives East Herts Council the discretion and describes how the discretion will be exercised.

The policy set out in this document will not be departed from except as provided for in the policy or following a variation to the policy approved by East Herts Council .

This statement is not a definitive statement of the law and is subject to the provisions of the relevant Regulations.

The Regulations that apply to the LGPS are:

- The Local Government Pension Scheme Regulations 2013 (these are referred to as the “Pensions Regulations”);
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (referred to as the “Transitional Regulations”);
- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 applied to the LGPS before 1 April 2014, are preserved in part on a transitional basis by the Transitional Regulations and are referred to as the “Benefits Regulations”

The Regulations which apply to the payment of compensation to employees whose employment is terminated as a result of redundancy or other specified reasons are:

- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (referred to as the “Compensation Regulations”).

In the table below:

- (1) "The Scheme" or "the Pension Scheme" means the LGPS and "the Fund" or "the Pension Fund" means the fund maintained under the LGPS;
- (2) "Member" means a member of the LGPS;
- (3) "Active member" means a member in employment and paying, or treated as paying, contributions to the LGPS, or absent from employment for a reason mentioned in Regulation 11 of the Pensions Regulations.
- (4) References to a member with transitional protection are those who can count membership accrued before 1 October 2006 and who have statutory transitional protection under the Transitional Regulations, wholly or partly, from changes that would otherwise be made to their pension entitlements and/or from actuarial reductions that would otherwise be applied to their pension benefits as a result of the coming into force of the Pensions Regulations on 1 April 2014.
- (5) References to a member meeting "the 85 year rule" are those a members whose age in whole years when added to the member's total membership in whole years is 85 years or more.

The power to exercise and to take any decision in relation to the each of the discretions is delegated to East Herts Council .

This statement was approved by HR Committee and is intended to comply with East Herts Council duties under Regulation 60 of the Pensions Regulations and Regulation 7 of the Compensation Regulations.

No.	Area	Regulation	Discretion	Policy Summary	Explanation
1	<b>Funding of Additional Pension Contributions</b>	Regulations 16(2)(e) and 16(4)(d) Pensions Regulations,	To fund, in whole or in part, additional pension contributions on behalf of an employee where these are to be paid by regular contributions (Regulation 16(2)(e)) or by lump sum (Regulation 16(4)(d))  <b>Note:</b> The amount of additional pension that may be credited to an active member's pension accounts may not exceed the additional pension limit of £6,500 (uplifted annually)	. East Herts Council will not normally fund additional contributions either wholly or in part, but may do so in wholly exceptional circumstances.	This means the employing authority can pay additional pension contributions on behalf of current employees.
2	<b>Flexible Retirement</b>	Regulation 30(6), Pensions Regulations	To agree to an employee aged 55 or over reducing their hours of work or grade so that they may receive all or some of their retirement pension while still employed	East Herts Council does allow flexible retirement in accordance with its retirement policy.	This means the employing authority can agree to an employee aged 55 or over drawing their pension whilst they continue to work for the employing authority on reduced pay / hours or grade.
3	<b>Waiving of Actuarial Reduction to Pensions</b>	Regulation 30(8), Pensions Regulations	To agree to waive, in whole or in part, any reduction that would otherwise be made on the early payment of a pension to a former employee aged 55 or to the pension paid to an employee allowed to take flexible retirement under Regulation 30(6) of the Pensions Regulations	East Herts Council does not waive a reduction.	This means the employing authority can agree to waive any reductions to an individual's pension where they have left employment / been granted flexible retirement from age 55.
4	<b>Award of Additional Pension</b>	Regulation 31,	To award additional pension to:	East Herts does not	This means the employing

		Pensions Regulations	<p>(1) an active member; or                  (2) a former active member who was dismissed by reason of redundancy or business efficiency.</p> <p><b>Note:</b>                  Any additional pension awarded (including any additional pension purchased by the employer under Regulation 16 of the Pensions Regulations (see above) may not exceed the additional pension limit of £6,500 (uplifted annually).</p> <p>Additionally, in the case of a former active member falling within (2) above, the resolution to award additional pension must be made within 6 months from the date on which the employment ended.</p>	exercise the powers to award additional pension.	authority has the power to award additional pension to either an active (current) member of the LGPS, or, within six months of leaving if the member left on the grounds of redundancy or business efficiency.
5	<b>Aggregation of Benefits: Concurrent Employments</b>	Regulation 22 (7)(b), Pensions Regulations	To allow an active member with concurrent employments, who ceases an employment with an entitlement to a deferred pension, a longer period than 12 months in which to elect not to have the benefits in their deferred member's pension account aggregated with the benefits in their active member's pension account.	East Herts Council does not allow a longer period than 12 months	This means the employing authority can allow members with more than 1 pension under different employment contracts (at the same time) longer than the usual 12 month deadline to choose not to combine the pensions.
6	<b>Aggregation of Benefits: Deferred Member becoming</b>	Regulation 22 (8)(b),	To allow a deferred member who again becomes an active member a longer	East Herts Council does not allow a longer period	The benefits are usually aggregated (joined-up), unless the member elects



	<b>Active Member</b>	Pensions Regulations	period than 12 months in which to elect not to have the benefits in their deferred member's pension account aggregated with the benefits in their active member's pension account.	than 12 months	to keep them separate.  The employing authority can agree to a former member having longer than the usual 12 month deadline to choose not to combine the pensions.
7	<b>Early Payment of Pension in cases of Members with Transitional Protection</b>	Schedule 2, Transitional Regulations	To agree to that the transitional protections set out in Paragraph 1(3) of Schedule 2 to the Transitional Regulations should apply. This affects members with transitional protection who choose to retire between the ages of 55 and 60. The transitional protections offer complete or partial protection from actuarial reductions depending on the circumstances.	It is not East Herts Council policy to agree to the application of Paragraph 1 (3) of Schedule 2 to the Transitional Regulations, which means that the Council will not agree to the payment of unreduced retirement benefits to a member with transitional protection who meets the 85 year rule until they are aged 60.	This means that the employing authority can agree to '85 year rule' transitional protection being 'switched on'.
8	<b>Waiver of Actuarial Reductions to Pension in cases of Members with Transitional Protection</b>	Schedule 2, Transitional Regulations	To waive on compassionate grounds, any Reduction that would otherwise be made to a member's pension payable on early retirement.	East Herts Council does not waive a reduction.	This means the employing authority can agree to waive any reduction to pension benefits that would otherwise apply on compassionate grounds.

	<p><b>Inward Transfer of Pension Rights</b></p>	<p>Regulation 100, Pensions Regulations</p>	<p>To allow a person more than 12 months beginning with the date when they first became an active member in an employment to request the acceptance of a transfer value for certain accrued pension rights.</p> <p><b>Note:</b> Regulation 100 of the Pensions Regulations requires that a request must be made within 12 months beginning with the date on which the member became an active member in an employment or such longer period as the employer and the Administering Authority may allow. The discretion is, therefore, exercisable concurrently by the Administering Authority.</p>	<p>East Herts Council does not allow a longer period than 12 months</p>	<p>This means the employing authority can agree to allow an individual who has been a member for more than 12 months to request to transfer previous pension funds into the LGPS fund.</p>
<p>10</p>	<p><b>Forfeiture Certificates</b></p>	<p>Regulation 91, Pensions Regulations</p>	<p>To apply to the Secretary of State for the issue of a forfeiture certificate.</p> <p><b>Note:</b> A forfeiture certificate may be applied for where a member has been convicted of an offence committed in connection with the member's employment and because of which the member has left that employment. A forfeiture certificate is a certificate, issued by the Secretary of State that the offence was gravely injurious to the State or is liable to lead to serious loss of confidence in the public</p>	<p>East Herts Council will consider each case on its merits, both in relation to applying for a forfeiture certificate and in relation to the giving of a direction, where a forfeiture certificate has been issued, that pension benefits be forfeited.</p>	<p>This means the employing authority can apply for a certificate from the secretary of state which permits withholding pension benefits from an individual who has been convicted of certain offences.</p>

			<p>service.</p> <p>To direct, where a forfeiture certificate has been issued, that any rights under the Pensions Regulations be forfeited.</p> <p><b>Note:</b> If the former employer has suffered loss as a direct consequence of the offence, a direction may only be given if the loss cannot be recovered except after an unreasonable time or at disproportionate cost.</p> <p>A direction may only be given if the application for a forfeiture certificate was made within a period of three months beginning with the date of the conviction</p>		
11	<b>Recovery of Money Owed as a result of Misconduct</b>	Regulation 93, Pensions Regulations	<p>To recover money owing to the former employer where a person has left employment as a result of grave misconduct or of a criminal, negligent or fraudulent act or omission in relation to that employment and owes money to the employer arising out of such that misconduct, act or omission.</p> <p><b>Note:</b> If there is a dispute about the amount owed the County Council may only recover the money from the employee's pension benefits under a court order or the award of an arbitrator.</p>	East Herts Council will normally seek to recover any money owing as a result of a former employee's grave misconduct, or criminal, negligent or fraudulent acts or omissions from the employee's pension benefits.	This means the employing authority can look to recover money from an ex-employee where they have left employment as a result of grave misconduct or of a criminal, negligent or fraudulent act or omission in relation to that employment.

92	<b>Redundancy Payments</b>	Regulation 5, Compensation Regulations	To base redundancy pay on actual pay where actual pay exceeds the statutory maximum under the Employment Rights Act 1996.	East Herts Council will base redundancy payments on an employee's actual pay in all cases.	This means the employing authority can increase the statutory limit on a week's pay for redundancy payments (£464.00) to the actual rate, if it is higher.
13	<b>Compensation for loss of Employment</b>	Regulation 6, Compensation Regulations	<p>To pay compensation to a person whose employment ceases</p> <ul style="list-style-type: none"> <li>- by reason of redundancy;</li> <li>- in the interests of the efficient exercise of the employing authority's functions;</li> </ul> <p>or</p> <p>in the case of a joint appointment, because the other holder of the appointment leaves</p> <p><b>Note:</b> Compensation may not be paid under this Regulation if:</p> <ul style="list-style-type: none"> <li>- a person's period of membership of the Pension Scheme has been increased under Regulation 12 of the Benefits Regulations (see above); or</li> <li>- a person has been awarded an additional pension under Regulation 13 of the Benefits Regulations (see above).</li> </ul>	East Herts Council uses the Government's Department for Business Innovation and Skills (BIS) statutory redundancy pay calculation but increases the statutory multipliers of 0.5, 1 and 1.5 weeks by 2.6.	This means the employing authority can make an award of up to 104 week's pay (less any redundancy payment payable).

			<p>In all cases the amount of compensation paid under this Regulation may not exceed 104 weeks' pay.</p> <p>In all cases the decision to pay compensation under this Regulation must be made no later than 6 months after the date of termination of the person's employment.</p>		
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