



EVERYONE MATTERS
SCHOOLS TRUST

Flexible Working Policy (includes Special Leave)

Everyone Matters Schools Trust



Policy Owner	Principal and Trustees
Scope of the Policy	This policy applies to all of the school community
Last reviewed by trustees	May 2025
Next review due	May 2025
Summary of key changes	No changes
Committee Responsible	Safeguarding and Inclusions Committee

HEAD OFFICE
HIGHER LANE RAINFORD ST HELENS
MERSEYSIDE WA11 8NY
COMPANY NO: 10455406 10455406



1. PURPOSE

- 1.1 Please note that a number of types of absence are not covered by this policy. These include sickness absence, appointments with the School's Occupational Health Adviser, hospital/consultant appointments, time off for Trade Union duties, jury service and magisterial duties. These types of absence are covered separately and advice is available from the Business Manager.

2. SCOPE

- 2.1 The School supports a number of forms of working arrangements which provide employees the ability to control, to some extent, the way in which they work. These arrangements enable Principals and Trustees to target employment to the needs of the school, and respond to employees who require flexibility in working arrangements.
- 2.2 Flexible working is supported as it can:
- Improve the quality and efficiency of schools
 - Enhance an employee's ability to balance their paid work with the rest of their life.
- 2.3 Current legislation provides certain employees who have caring responsibilities with a statutory right to request flexible working (see 'Access to Flexible Working Arrangements' section, page 6).
- 2.4 The school recognises, however, that other employees may also wish to make such requests. All requests will be given serious consideration.

3. AIMS

- 3.1 To assist staff with caring responsibilities to balance these with their role at the school
- 3.2 To enable staff to accommodate other personal circumstances with their role at the school
- 3.3 To ensure compliance with the legislative requirements for staff with caring responsibilities for children and adults, who have the right to apply to work flexibly and have their application considered seriously by the school.

4. Approval

- 4.1 It is the responsibility of the Trustees to decide whether to debate decisions regarding flexible working and leave of absence to the Principal or a sub-committee of the Trustees.
- 4.2 The Trustees should bear in mind the legal timescales for considering requests for flexible working and the frequency of Trustee meetings when considering whether to delegate decisions.
- 4.3 It is recommended that some decisions, for example time off for family emergencies, be delegated to the Principal. The Trustees should also consider whether to delegate decisions for requests from the Principal to the Chair of the Trustees.

5 FORMS OF FLEXIBLE WORKING ARRANGEMENTS

The following categories cover the types of working arrangements supported:

5.2 Arrangements that focus on how much time an employee works

- **Full time work.** The employee works the normal full time hours, as defined under the appropriate conditions of service for the post, each week.
- **Part time work.** The employee works fewer than the normal full time number of hours per week. Some examples are mornings, afternoons or school hours only, working on only certain days of the week, or working alternate weeks.
- **Job sharing.** This is a way of working where two employees voluntarily share the responsibilities of one job, dividing the pay, holidays and other benefits between them according to the number of hours worked.
- **Voluntary Reduced Hours.** The employee works reduced hours for an agreed temporary period at a reduced salary and with a guarantee that he or she can return to full-time working when that period ends. Any employee can request a voluntary reduction in their standard working hours. Each application will be considered individually. The decision whether or not to agree to a voluntary reduced hour arrangement will be based on the individual circumstances of each case, i.e. the practicality of reducing the employee's hours to the degree requested and for the length of time involved, and the effect of such a reduction on the delivery of the service.
- **Term time only.** The employee does not work in school holidays. Where this is not a normal method of working within the work group/location an application can be made to the Principal. Each application will be considered individually by the Principal. The decision whether or not to agree to a term time only working arrangement will be based on the individual circumstances of each case.
- **Working overtime.** The employee works more than the standard number of hours, in return for more pay, or lieu time to be taken at a later point. Overtime working will be approved, undertaken and remunerated in accordance with existing school procedures and national/local conditions of service.

5.3 Arrangements that focus on when employees do their work

- **Compressed hours working.** This allows an employee, or group of employees, to do a full-time job in, say, four days instead of five. The introduction of compressed hours working will be a management decision which will be reached based on the needs of the school and a formal agreement, from the Principal, of the conditions of the arrangements to be introduced.
- **Annualised hours working.** Employees have to work a required number of hours each year. The hours worked each week vary throughout the year, dependent on the peaks and troughs of service demand. Annualised hours working will be introduced at the Principal's discretion, the decision being reached based on the needs of the school and a formal agreement, from the Principal of the conditions of the arrangements to be introduced.
- **Shift working.** The nature of the work may dictate that it is undertaken at certain times, which is often facilitated by shift working. Shift working is remunerated in accordance with local and national conditions of service.

- **Shift-swapping.** This is where, with the approval of their manager, two employees work each other's shifts, so that one or both can attend to other concerns when they would normally have been at work.
- **Working outside 'normal' hours.** Certain areas of activity require employment outside of the 'normal' hours on a regular or frequent basis and employees accept this as an integral part of the job. It is remunerated in accordance with local and national conditions of service.

5.4 Arrangements that focus on where employees work.

Working at the school's premises. The nature of the work may dictate that it is undertaken on the school premises.

- **Working from home.** This is where an employee or group of employees do some or all of their work from home. This is most successful when there are good communication links between the home and the place of work, and when the employee does not need close supervision. Any such arrangements will be introduced based on the needs of the school and a formal agreement, from the Principal/Board of Trustees, of the conditions of the arrangement to be introduced. Such agreement must adhere to the health and safety requirements placed on the school, including the completion of the necessary risk assessments and have adequate controls put in place.

6. ACCESS TO FLEXIBLE WORKING ARRANGEMENTS

6.1 The introduction of flexible working arrangements will be a decision for the Principal/Governing Body, which will be reached based on the needs of the school.
Not all of the options described under "Forms of Flexible Working

6.2 Arrangements" will be suitable for all posts in schools.

6.3 The introduction of any flexible working arrangements will be subject to formal approval of the conditions of the arrangements to be introduced, in accordance with the guidelines under each of the options.

6.4 Principals/Governing Bodies are encouraged to consider the range of options in planning the effective operation of the school. Principals/Governing Bodies are also encouraged to support requests from employees for changed working practices when this is in the employee's interest in maintaining work/life balance and it is not detrimental to the effective operation of the school. This may also be effective in the management of the return of employees from absence.

6.5 In the following circumstances, employees have a statutory right to request to work flexibly to provide care for:

- A child under 6 years old (or under 18 in the case of a disabled child). If they have responsibility for the upbringing of the child and they are:
The mother, father, adopter, guardian, special guardian or foster carer or married to or the partner of the child's mother, father, adopter guardian, special guardian or foster parent.

- An adult if they are: The spouse, partner, civil partner, or a near relative of that adult, or live at the same address as the adult needing care.

The definition of "near relative" includes parents, parent-in-law, adult child, adopted adult child, siblings (including those who are inlaws) uncles, aunts, grandparents and step relatives.

- 6.6 Employees may request flexible working arrangements in other circumstances. eg. in the lead up to retirement.
- 6.7 Employees who have 26 weeks' continuous service may apply to work flexibly.

7. APPLICATION PROCEDURE — FLEXIBLE WORKING

- 7.1 Any employee who wishes to explore flexible options that may be available can informally discuss the matter with their Principal or Line Manager.
- 7.2 The formal procedure to request any form of flexible working is that which statutorily applies to certain groups (as described under "Access to Flexible Working Arrangements" above) but should be used for all requests. The procedure is summarised as follows:

- It is up to the employee to make a considered application in writing, sign the application form on page 19. They are only able to make one application a year under the right, and accepted applications will generally mean a permanent change to the employee's own terms and conditions of employment unless otherwise agreed between both parties. It is important that, before making an application, the employee gives careful consideration to which working pattern will help them best; any financial implications it might have on them in cases where desired working patterns will involve a reduction in salary; and any effects it will have on the operation of the school and how these might be accommodated.
- If the request is refused, or requires discussion, the Principal must arrange to meet with the employee **within 28 days of receiving the request**. This provides the Principal and the employee with the opportunity to explore the proposed work pattern in depth, and to discuss how best it might be accommodated. It also provides an opportunity to consider other alternative working patterns should here be problems in accommodating the work pattern outlined in the employee's application. The employee can, if they wish, be accompanied by a trade union representative or workplace colleague of his/her choice.
- Within 10 days of the meeting, the Principal must write to the employee to either agree to a new work pattern and start date, or to provide clear business grounds as to why the application cannot be accepted. If the application is declined, the Principal must include the reason why the business grounds apply in the circumstances and must set out the appeal procedure. The application must be signed by the Chair of Trustees prior to responding to the employee.
- Should an employee wish to appeal against the decision to refuse a request for flexible working, they should do so in writing to the Chair of Trustees. The appeal will be considered by a panel of 3 Trustees whose decision will be confirmed in

writing to the employee. The appeal must be heard within 10 working days of the notice of appeal being received.

- All time periods can be extended where the Principal and the employee agree. Any extensions must be recorded in writing by the Principal and copied to the employee.

8. SPECIAL LEAVE

- 8.1 There are times when a personal event or emergency demands an employee's time. Reasons for this can include bereavement, seriously ill relatives or other family emergencies.
- 8.2 Some provisions for paid/unpaid time off are detailed in legislation and/or covered by the National Conditions of Service although the amount of leave may in some cases be determined at the discretion of the Principal/Governing Body.
- 8.3 The provision of special leave not only ensures that the Governing Body complies with relevant legislation but can positively influence employee morale and commitment, help reduce sickness absence and promote a positive image of the school. In addition, there are a particularly high proportion of Carers in St Helens and as such it is recognised that many of these may be employees who have caring responsibilities.
- 8.4 Principals/Governing Bodies are authorised to grant up to 10 days' special leave (with a maximum of 5 days pay) in any one year for urgent personal or domestic circumstances.

9. FAMILY EMERGENCIES/BEREAVEMENT/SERIOUS ILLNESS

- 9.1 The granting of leave in these circumstances is at the discretion of the Principal/Trustees, and may be with or without pay, in accordance with the guidance below.
- 9.2 Time off in most circumstances (except bereavement or when a dependant is seriously ill) would normally be approved without pay.

10. BEREAVEMENT

- 10.1 It must be emphasised that each case should be considered on its merits taking into account factors such as the existence of other relatives to assist with funeral arrangements or closeness of the relationship and the circumstances of the bereavement. For example, personal relationships in families vary and it may be appropriate to award more paid time off in cases where the employee may have been brought up by his/her grandparents rather than their natural parents, in circumstances where the employee is the appointed Executor of the will or circumstances where the funeral is out of town or abroad.

11. OTHER CIRCUMSTANCES

- 11.1 Leave may also be granted in other urgent or domestic circumstances, where no other provision exists to accommodate such absences.
- 11.2 The Governing Body would not wish to rule out any application that fits with this broad category which could include Religious holidays, special visits abroad, etc.

- 11.3 Principals/Governing Bodies can consider such requests and providing that they are justified, can authorise leave of up to 5 days with pay and 5 days unpaid leave dependent upon the circumstances.
- 11.4 Requests for leave in excess of this amount will be considered and granted at the discretion of the Principal/Governing Body bearing in mind the requirement for consistency.

12. PARENTAL LEAVE (STATUTORY PROVISION)

- 12.1 Employees who have one year's continuous service and are qualifying parents have a statutory right to take parental leave to care for their child. The following parents are entitled to parental leave:
- employees who have a baby or adopt a child on or after 15 December 1999 and who have completed one year's qualifying service by the time that they want to take the leave.
 - employees who have had a baby or adopted a child between 15 December 1994 and 14 December 1999 and who have completed one year's continuous service.
- 12.2 Both mothers and fathers can take parental leave, and the provision apply to each child. The key elements that apply in every case are:
- 13 weeks' unpaid parental leave for each child (18 weeks for parents of disabled children).
 - the right to take leave up until the child's fifth birthday or until five years have passed since the child was adopted. Parents of disabled children can use their leave right up until the 18th birthday.
 - the employee remains employed whilst on parental leave. Certain contractual terms continue to apply.
 - Leave is taken in blocks of 1 week at the end of parental leave, the employee has the right to return to the same or, if that is not practical, a similar job with the same or better terms and conditions. Where leave is for four weeks or less, return must be to the same job.
 - Requests for parental leave should be made in writing to the Principal.

13 TIME OFF FOR DEPENDANTS (STATUTORY PROVISION)

- 13.1 Employees have a statutory right to have reasonable time off from work when it is necessary for them to deal with unexpected or sudden emergencies which occur in relation to their dependants.
- 13.2 A dependant is defined as 'anybody living in the household of the employee who is directly dependent on the employee e.g. wife, husband, child, parent or someone who lives in the same household as the employee but is not their employee, lodger or tenant'.
- 13.3 The circumstances in which the employee may take time off are:

- To provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted
 - To deal with unexpected disruption or breakdown of care arrangements for a dependant
 - To make longer term arrangements for a dependant who is ill or injured
 - To deal with the death of a dependant
 - To deal with an incident that involves a child of an employee which occurs unexpectedly during a period which an educational establishment that the child attends is responsible for them
- 13.4 In all circumstances there should be a 'common sense' approach and a determination of what is necessary and reasonable. In most cases (except bereavement) 1 or 2 days would be sufficient to deal with the majority of problems.
- 13.5 In the example of a child falling ill the leave should be enough to enable the employee to deal with the crisis to deal with the immediate care, visit the Doctor and make longer term care arrangements.
- 13.6 It is not intended that multiple requests for time off for dependants are granted with pay. In most circumstances it would not be reasonable for the employee to expect to take 2 weeks dependant care to look after the child. Guidance on the legislation confirms that the right to this time off is intended to cover unforeseen circumstances and if the employee knows in advance, they are going to need time off they may make arrangements for annual or parental leave.
- 13.7 Time off in most circumstances (except bereavement or when a dependant is seriously ill) would normally be approved without pay.

14. PROCEDURE FOR APPLYING FOR TIME OFF FOR DEPENDANTS

- 14.1 Leave should only be taken with the prior approval of the Principal.
- 14.2 It is recognised that in an emergency situation it is not always possible to seek formal approval and, if this is the case, approval should be obtained retrospectively.
- 14.3 Written evidence or supporting facts should be provided by the employee wherever possible in order for the Principal to give the request full consideration.

15. CARE FOR SERIOUSLY ILL DEPENDANTS

- 15.1 Situations may arise when employees are required to provide care for a seriously/terminally ill dependant or during the hospitalisation of a child. In such circumstances up to 5 days paid leave may be granted to assist with this.
- 15.2 An additional 5 days unpaid leave may also be granted at the discretion of the Principal if warranted by the individual circumstances. This should also be approved by the Chair of Trustees
- 15.3 If the period of dependency is expected to be lengthy, the use of annual leave, parental leave or a career break may be considered.
- 15.4 Requests for unpaid leave up to a maximum of 3 months in exceptional circumstances will be considered and granted at the discretion of the Board of Trustees.

15.5 Employees should be advised to seek advice on how extended periods of leave may affect their pay and terms and conditions of employment.

16. CAREER BREAK SCHEME

16.1 The basic aim of the Career Break Scheme is to "attract back" permanent employees who have left work for a period to act as carers.

16.2 The scheme will be of interest to the following carers:

- males/females wishing to bring up children
- males/females caring for chronically ill partners or immediate/dependent family
- males/females caring for elderly/infirm parents.

16.3 The scheme has two distinct elements: -

- **The Guarantee Scheme** - caters for shorter term, predictable caring requirements and guarantees the carer the right to return to work.
- **The Non-Guarantee Scheme** - caters for longer term caring requirements where a guarantee of re-employment is not feasible - "every reasonable effort" to reemploy will be made.

Details of both schemes are included in the Appendices.

17. RELIGIOUS OBSERVANCE

17.1 Religious observance involves believers in duties such as the saying of prayers (sometimes at prescribed times), the keeping of fasts, and attendance at communal or family gatherings for worship or celebration.

17.2 For religious believers there can sometimes be a conflict between their work and full compliance with the needs of the faith community and individuals for religious observance.

17.3 Requests for a reasonable period of leave of absence for religious observance should be made to the Principal in writing in advance.

17.4 The Principal must initially consider the needs of the school when making a decision on such requests.

17.5 Leave of absence for religious observance will normally be unpaid.

17.6 Further details of the timing of religious festivals may be found at:
www.bbc.co.uk/religion/tools/calendar

18. PROCEDURE FOR APPLYING FOR SPECIAL LEAVE

- 18.1 Leave should only be taken with the prior approval of the Principal/Board of Trustees.
- 18.2 It is recognised that in an emergency situation it is not always possible to seek formal approval and as such should be obtained retrospectively.
- 18.3 Written evidence or supporting facts should be provided by the employee wherever possible in order for the Principal/Board of Trustees to give the request full consideration.
- 18.4 There is no automatic entitlement to paid leave of absence and each application will be considered on its merits.
- 18.5 Principals may grant a maximum of 5 days' paid leave in any one-year period. Any other leave would be unpaid.
- 18.6 It is not intended that multiple requests for special leave are granted with pay.
- 18.7 If the Principal does not believe that the circumstances warrant paid leave, he/she may decide to grant the leave of absence without pay.
- 18.8 For planned future events, there is no legal requirement to allow employees time off work. In such cases, the Principal should initially consider the needs of the school. If the decision is taken to approve the leave, then it should be unpaid. Examples of this include house moving and weddings.
- 18.9 The Headteacher should consider factors over which the employee has no control when considering requests for special leave, for example graduation events. Under the circumstances it would be reasonable to grant unpaid leave.
- 18.10 Requests for leave to accommodate holidays in term time will only be granted in special circumstances (examples of this may include a child's wedding, graduation, etc.) and subject to the normal minimum notice requirements.

19. FLEXIBLE RETIREMENT

- 19.1 Flexible Retirement has been introduced to allow staff to carry on working on reduced hours and/or with reduced responsibility, whilst accessing their accrued pension benefits. Depending on the individual's age and length of service, pension benefits may be reduced. Qualifying criteria:
 - Be 50 or over after 5 April 2006
 - Have their grade and or hours reduced permanently
- 19.2 Employees can apply for flexible retirement via the Flexible Working Policy.
- 19.3 The employee will need to put their request in writing using the form on page 19, and will need to indicate whether they wish to take flexible retirement and wish to seek consent to have their pension benefits released.
- 19.4 The Governing Body Sub-Committee will need to agree to this request.

20. COST OF FLEXIBLE RETIREMENT

- 20.1 Head Teachers/Trustees need to be aware that there is a potential cost implication to the school in allowing an employee to take flexible retirement.
- 20.2 The cost arises because the pension is being paid earlier than at the normal retirement age and will potentially be paid for a longer period of time. This cost is called the Capital Cost.
- 20.3 Potential costs are as follows (age is at the time of retirement):
- If an employee is under 60 and meets the 85-year rule, the full capital cost is payable by the school.
 - If an employee is under 60 and meets the 85-year rule after retirement, but before they are 60, the capital cost is shared by the school and the employee.
 - If an employee is under 60 and meets the 85-year rule after retirement, after they have retired and after the age of 60, there is no cost to the school, but there is a cost to the employee.
 - If the employee is over 60 and does not satisfy the 85-year rule, the employee will suffer a reduction in pension benefit. There is however no cost to the school.
- 20.4 Costs can be obtained via Human Resources and Principals should ensure that they obtain this information prior to the Trustees agreeing a request. Pension details can also be provided to the individual.

21. THE 85 YEAR RULE

- 21.1 This is where the employee's age and length of service is equal to or greater than 85 years

Further details are included on page 27

22.0 PHASED RETIREMENT (TEACHERS PENSION)

- 22.1 Phased retirement arrangements have been introduced to allow staff to continue to work whilst drawing some of their accrued pension benefits.
- 22.2 Teachers can draw up to a maximum of 75% of total pension benefits, and can choose to do this twice before final retirement. Pension benefits taken before normal retirement age will be subject to an ARB basis. Qualifying criteria
- A teacher must: be over 55
 - have their pensionable salary reduced by at least 25% for a minimum of 12 months (if salary breaches this 25% reduction in the first 12 months, the application will be void and benefits will be suspended. Salary will include any supply work)
 - have approval from their Principal that a 25% reduction can be accommodated
- 22.3 How can a 25% reduction be achieved



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- Salary can be reduced by either a reduction in hours i.e. full time to part time, or transferring to a post of lesser responsibility and pay.
- Phased retirement can also be accessed where a teacher takes up a new appointment in a non-teaching role, providing this is within an educational establishment.

22.4 Teachers can apply for phased retirement via the Flexible Working Arrangements Policy.

22.5 The teacher will need to put their request for reducing their hours or responsibility level to their Principal using the form on page 19, indicating that they wish to pursue phased retirement.

22.6 The Governing Body or Sub-Committee will make the decision on any phased retirement application. It will be for the Principal to certify that the teacher qualifies for phased retirement, and certify the phased retirement application form. The Principal must also demonstrate that the reduction can be accommodated in the staffing structure without undermining the effectiveness of the operation of the school.

22.7 If agreed, this will mean a change to the individual's terms and conditions of employment.

23. COST IMPLICATIONS

23.1 There is no cost implication in allowing phased retirement.

HEAD OFFICE
HIGHER LANE RAINFORD ST HELENS
MERSEYSIDE WA11 8NY
COMPANY NO: 10455406 10455406

APPLICATION FOR FLEXIBLE WORKING

SECTION 1 – PERSONAL DETAILS

Employee Name:			
Employee Number:			
Date of Application:			
Current working pattern (Please Tick)	Full Time		Part Time
Current Working Pattern (Days/Hours/Times Worked)			
Requested Working Pattern (Days/Hours/Times)			
Requested Start Date:			
This request is (please tick)	Permanent:		Temporary:
If Temporary, how long for:			

SECTION 2 – INFORMATION TO SUPPORT YOUR REQUEST FOR FLEXIBLE WORKING

I have the responsibility for the upbringing of:

A child under 6:	Y	N
A disabled child under 18:	Y	N
I am (please state):		
The mother, father, adopter, guardian or foster parent of the child:	Y	N
Married to the partner or civil partner of the child's mother, father, adopter, guardian, special guardian or foster parent:	Y	N
Do you have other caring responsibilities and if yes, who for	Y	N



Please state any other reason for requesting flexible working:

Other relevant information to support your request for flexible working:

Signed: _____ Date: _____

SECTION 3 – HEADTEACHER’S RECOMMENDATION

You are required to meet the employee and discuss the application within 28 days. The employee may be accompanied by a trade union representative or work colleague.

I have met with the employee on _____ and discussed the details of flexible working with the employee concerned.

I DO / DO NOT support the application.

Signed: _____ Date: _____

DECISION

This request has / has not been agreed.

If agreed, date these arrangements to be implemented _____ from:

These arrangements are temporary/permanent: _____

If temporary, how long for: _____

Is this to be reviewed: _____

Where the Trustees have delegated the decision to a Sub-Committee, the Chair of the Sub-Committee should sign this section. Otherwise, this section should be signed by the Chair of Governors.

Signed:

Date:

Print Name:

REASONS FOR THE DECISION

Please note that applications should only be declined on recognised business grounds, ie. operational or technical reasons related to the employee's job. These reasons must be explained in writing to the employee within 10 days of the meeting with the Headteacher taking place.



SECTION 5 - PAYROLL

Date Application Received:	
Adjustments to Pay Made:	
Employee Notified:	
Signed by HR Officer:	
Comments:	

APPENDIX 1 – CAREER BREAK SCHEME

CAREER BREAK SCHEME

THE GUARANTEE SCHEME

1.0 PROVISIONS

- 1.1 This element of the Career Break Scheme will guarantee the right to the same or similar job for the following employees providing they are permanent and have the qualifying service criteria for paid maternity leave under their conditions of service.
- pregnant women and women on maternity leave
 - single parent males in bereavement of partner during pregnancy or childbirth
 - main adoptive carer for adopted children under 12 months' old
- 1.2 The unpaid leave of absence provisions to be extended by a maximum of 12 weeks bringing the total leave of absence on full maternity leave to 52 weeks.
- 1.3 There will be a guarantee of re-employment to the same or similar job with updated pay.
- 1.4 Subject to the needs of the service and where relevant the availability of job share partners, returners can be considered for flexible working arrangements in the first 12 months after returning for career break.
- job share on a temporary basis (up to 2 years);
 - job share on a permanent basis;
 - term time contracts;
 - other flexible working arrangements to accommodate the needs of returning parents.
- 1.5 Two career breaks will be allowed provide there is a minimum twelve-month period of continuous employment between the two breaks.

2.0 REQUIREMENTS OF THE GUARANTEE SCHEME

- 2.1 The maintenance of contact during Career Break is vital to provide support, confidence, skills update and contact with peers for employees with care responsibilities. This contact will be maintained as follows: -
- Employees taking a Career Break must be available for a minimum of 10 days paid employment and/or training per year consisting of:-
 - project work, cover for holidays, peak workloads or update training, etc. at a mutually agreed time
 - No other paid work can be undertaken for any other organisation without the express permission of the authority.

THE NON-GUARANTEE SCHEME

1.0 This element of the Career Break Scheme will cater for a wider range of permanent employees who resign from work due to longer term care responsibilities requiring a break of more than 12 months and up to 5 years. The service qualification is the criteria for paid maternity leave under their conditions of service for the following employees:-

- pregnant women and women on maternity leave who do not wish to return to work within 12 months;
- main carer if both parents employed by the school;
- single parent males;
- main adoptive parent;
- main carer for sick or elderly members of immediate/dependant family; - employees intending to resign for domestic reasons.

1.2 Provision of the Non-Guarantee Scheme

wherever possible will be provided a minimum of 10 days' supply work per year; relevant update training to be provided as necessary; every reasonable effort will be made to provide the trainee with employment at the end of the career break.

2.0 REQUIREMENT OF THE NON-GUARANTEE SCHEME

2.1 Carers must be available and intending to return to work within 5 years.

2.2 Employees intending to opt for the Career Break Scheme, or those intending to resign for domestic reasons contact their line manager.

2.3 Exit procedure must be completed and contact made with the Departmental Human Resources Unit.

2.4 Line managers experiencing short term problems, e.g. special research projects, holiday absences, short term peak workloads, draw upon the pool acceptable/similar level.

2.5 Corporate Human Resources co-ordinate with the Departmental Human Resources Units on the placement of employees on Career Break, and facilitate project work as and when required.

2.6 During the break the Network of Support will be a vital element in maintaining skills and confidence, to encourage those on Career Break to return to work, and be effectively integrated into the workforce. The Authority is in a unique position to provide a network of support for those on career break due to care requirements. Support can be provided as follows: -

- facilitating self-help groups, circulating names and addresses of, for example teachers on career breaks, or others in broadly similar job families;
- address self-help groups every 3 months using mentors/volunteers from within the Authority;
- provide information to those groups on child care, care provision for the elderly/infirm via Community Voluntary Services Bank;
- examine the use of open learning facilities at Community College and Training Centre for those on Career Break;

- circulate information on vacancies, refresher courses, infill on relevant training courses or INSET provision where vacancies exist.

On return:

- Those on the Guarantee Scheme to notify their line manager of their intention to return as per maternity provision requirements.
- Those on Non-Guarantee Scheme to notify their line manager and the Corporate Human Resources of their availability and/or application for a particular vacancy.
- "Every reasonable effort" will be made to re-employ.
- On return re-induction training to be undertaken by the department.

NB: Existing Conditions of Service indicate that where an employee returns to local government service following a break for maternity reasons she will be entitled to have previous service taken into account in respect of the sickness and maternity schemes provided that the break in service does not exceed eight years and that no permanent paid full-time employment has intervened. For the purpose of the calculation of entitlement to annual leave the eight years time limit does not apply provided that no permanent full time employment has intervened. This would apply to those employees who return from a Career Break following maternity leave provided that no permanent full time employment had intervened.

- 2.7 Training Opportunities for Carers on Career Break Schemes - Training to maintain and extend skills during break by attending relevant courses such as Assertion, New Technology, Appraisal on an infill basis.

APPENDIX 2 – POLICY FOR RELEASE OF STAFF UNDER FLEXIBLE RETIREMENT

1. BACKGROUND

- 1.1 The Local Government Pension Scheme (LGPS) amended its regulations in April 2006. One of the amendments was the introduction of 'flexible retirement'.
- 1.2 Flexible retirement is designed to allow managers to consider and approved measures that address circumstances that some staff over 50 years of age may encounter, until cessation of employment. These measures, if approved, allow employees to carry on working, albeit on reduced hours and/or with reduced responsibilities. This change is reflected in their remuneration, whilst allowing access to accrued pension benefits.
- 1.3 Subject to agreement, the employee would have more flexibility to Organise their work/life balance depending on their personal circumstances. For example, they may have to care for a relative or other dependant, or they may simply Want to take life a bit easier as they approach complete retirement.

2. ELIGIBILITY

- 2.1 Employees who have reduced either the grade or hours on which they are employed, and are members of the LGPS, aged 50 after 5 April 2006, may, with the School's consent draw their accrued pension benefits under the Flexible Retirement scheme.
- 2.2 There are no statutory regulations as to the level of reduction in hours or grade needed to qualify for flexible retirement.
- 2.3 For the purpose of this policy the reduction in hours/grade must be a permanent one.
- 2.4 The consideration of a request to release accrued pension benefits) under the Flexible Retirement scheme, is distinct from an employee's statutory or contractual right to request Flexible Working (e.g. a change in working arrangements). The procedure for applying for Flexible Retirement is detailed later.
- 2.5 Under the scheme, the employee's pension may be reduced, depending on their age and service at the date of flexible retirement. (See Appendix A - Quick reference guide)
- 2.6 Employees should be made fully aware of the impact on their pension when considering flexible retirement. The appropriate Departmental HR Section in conjunction with the Corporate Pension Section will provide information on an individual basis.

3 AVC'S (ADDITIONAL VOLUNTARY CONTRIBUTIONS)

- 3.1 Employees paying into scheme AVC arrangements will not be able to access their AVC fund until they actually retire from Local Government employment completely. They do have the opportunity under the scheme regulations to transfer their AVC fund into the scheme before they take flexible retirement and receive the appropriate benefits.

- 3.2 This however removes the opportunity to take a tax-free lump sum directly from their AVC fund. Also, some employees who are paying With Profits AVC's may face a penalty on the use of their AVC before they leave employment.
- 3.3 Further guidance surrounding this area must be sought from the Corporate Pension Section if the employee has an AVC scheme.

4. COSTS OF FLEXIBLE RETIREMENT

- 4.1 An approved application may have cost implications to both the employee and the School (employer). These costs are arrived by calculations that use actuarial factors that are based on age, sex and prospective life expectancy.
- 4.2 If there is a cost this is how they are met:
- The School must meet the full employer's costs at the time of retirement.
 - The employee's costs are met by reducing their benefits.
 - In some cases, the costs are shared between the employee and the School
- 4.3 Appendix A shows where the cost derives from and whether this would affect the employee, the employer or both assuming the application is granted. This is summarised below:
- Under age 60 on retirement having achieved the 85 year rule at this time. Full Capital Cost is payable by the School immediately.
 - Under age 60 on retirement not having reached the 85 year rule at this point but would have done before age 60, the cost is shared between the employee and the School.
 - Under age 60 on retirement not having reached the 85 year rule at this point but would have done after age 60, the cost is met by reducing the employee's benefits.
 - Over 60 on retirement and not satisfying the 85 year rule the employee benefits are reduced depending on when they would have achieved the 85 year rule or when they reach their 65th birthday, whichever is the earlier. There is no cost to the School.
 - Over age 60 on retirement having satisfied the 85 year rule. There is no cost to the School and the employee's benefits are not reduced. Nor are the benefits payable subject to abatement.

5. CONTINUOUS EMPLOYMENT ISSUES

- 5.1 If flexible retirement is approved the new post or reduced hours will be counted as continuous service for the purposes of:
- Statutory Employment rights
 - Local Government entitlements regarding Annual leave and the Occupational Sickness Scheme etc.
- 5.2 From the perspective of the Pension Fund the reduced hours or ne post is considered as a new pension membership. The pension benefit pa able has already been calculated on the employee's previous membership history a d age and this pension membership needs to be terminated in order for it to be paid.

- 5.3 The employee may wish to make pension contributions on their new post. This is possible, but would be classed as a new pension membership. When the employee eventually leaves a further annual pension and lump sum are payable. These new benefits will still come under the "85 year rule" and suffer a reduction if appropriate.

6. SINGLE STATUS ISSUES

- 6.1 Some employees receive protection of a 36 hour working week agreed as part of the introduction of Single Status in April 1999. This protection continues until 31 March 2009. The agreement indicates that the protection will continue to apply in the event of any internal change in employment, providing that the new post* remains under the NJC for Local Government Employees Conditions of Service and was a post that prior to April 1999 would have had a full time working week of 36 hours..

7. PROCEDURE TO APPLY FOR FLEXIBLE RETIREMENT

- 7.1 The employee should, in all cases, make an application in writing to the Principal.
- 7.2 If the employee is applying for Flexible Retirement after a reduction in either grade or hours has already been implemented, they should simply request consideration of their application for consent to draw their accrued pension benefits under this scheme.
- 7.3 If the employee is submitting the application to release benefits at the same time as they are submitting the request to either reduce their grade or hours (i.e. as part of a request for Flexible Working), then this should be stated, together with the information required in respect of their request for Flexible Working. In these circumstances any accepted applications will result in a permanent change in the employee's terms and conditions of employment. It is important that the application should detail the desired working pattern or other aspirations, and the employee should have considered any financial loss resulting from these changes.
- 7.4 When considering requests, the Principal should assess the service and financial implications appropriate to the type of application.
- 7.5 In both circumstances the application must be considered in accordance with the agreed procedure relating to requests for Flexible Working, which in summary is:
- Within 28 days of receiving the request, the Principal must arrange to meet with the employee. This provides an opportunity to discuss how best their request may be accommodated. It also provides an opportunity to consider alternatives if the original request cannot be agreed. This should be done in consultation with the Human Resources Section.
 - The Principal will confirm the decision, with reasons, in writing, within 14 days of the meeting.
- 7.5 All time periods can be extended where the Principal and the employee agree. Any extensions must be recorded in writing by the Principal and copied to the employee.

Appendix A - Early Retirement Cost: Who Pays

