

To: Finance, Resources and Customer Services Policy Board

On: 8 June 2023

Report by: Director of Finance and Resources

Heading: 'People Strategy 2021-26' - Revised HR&OD Policies

1. Summary

- 1.1 As part of our People Strategy 'Our People Our Future 2021-2026' approved by Members in March 2021, key work continues to be progressed by officers in relation to our HR&OD Policy Review Plan. The review plan helps to improve the workplace culture and staff experience by creating the right conditions for change, to deliver future modernised and sustainable services.
- 1.2 New and revised HR & OD policies will create the right supportive foundations to ensure they adequately empower and support the level of organisational and cultural change required. This policy review has incorporated our values and a has clear focus on flexibility, health and wellbeing, equality, diversity, and inclusiveness.
- 1.3 The purpose of this report is therefore to seek approval from members to implement the two policies attached in Appendices 1 & 2. These include:
 - Revised Flexible Working Policy (**Appendix 1**)
 - Revised Flexible Retirement Policy (**Appendix 2**)
- 1.4 Consultation has taken place with the Trade Unions and Services and feedback has informed the development of these policies. These policies have been modernised and are updated in line with best practice, our values and employment legislation.

- 1.5 Following approval from Members, some additional guidance will be developed to support the implementation of these policies. In addition, some changes will be required to the ERP system as will updated training for managers. These developments are being designed now. These policies will be fully implemented the next few months. These will also be communicated to all managers and employees within the Council via the normal channels.
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2. Recommendations

- 2.1 It is recommended that members:

- Approve the new and revised HR&OD Policies at appendices 1 & 2.
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3. Background

- 3.1 The Council strives to create a healthy and inclusive working environment which supports all employees to better balance their work and home commitments. Employee health, development and wellbeing remains our top priority.
- 3.2 The Council recognises that employees today have an increased need for a better work experience and a desire for more flexibility and self-control around work life balance, particularly when it comes to sharing parenting and family responsibilities. Accommodating changes to working arrangements and supporting personal commitments will help us to continue attracting and retaining key talent whilst continuing to provide a modern and efficient service to the residents of Renfrewshire.
- 3.3 Through the implementation of these policies, the Council will promote and encourage employees to fully utilise all the supportive provisions available.

4 Revised HR&OD Policies

- 4.1 **Revised Flexible Working Policy** - Our Council of the future requires a highly skilled, flexible, adaptive, and motivated workforce committed to driving continuous improvement to achieve the Council's vision and values and meet the needs of Renfrewshire's communities. The revised Flexible Working Policy, attached at **Appendix 1** provides the Council's statement of intent for encouraging the positive benefits that flexible working can bring to create an environment where our people enjoy their experience at work and deliver the best service possible to our communities. Providing greater flexibility can lead to improved retention and enhance our recruitment processes by attracting a more diverse talent pool.
- 4.2 The key changes in the policy are:
- Greater emphasis on embracing new ways of working which can support improved work-life balance and maintain health and wellbeing;

- Ability to submit up to 2 separate flexible working applications within a 12-month period (previously 1 application)
- A decision being provided within 1 month but no later than 2 months, including any appeal, from receipt of a request; (previously 3 months)
- All flexible working arrangements approved on a permanent basis except for roles under consideration for service redesign, where approval on a temporary basis for up to 12 months can be given;
- Enhancing the Flexible Working policy by embedding the Council's interim hybrid working arrangements;
- More emphasis on being an inclusive employer and creating a positive journey throughout the employment experience.

4.3 **Revised Flexible Retirement Policy** – Our Council is adopting new, flexible, alternative ways of working which support delivery of services in a modernised way and can provide opportunities for all employees to enjoy an improved work-life balance. Employees who are age 55 or over, an active member of the Local Government Pension Scheme with 2 years vesting period can apply for Flexible Retirement, a phased retirement process that enables access to pension benefits while continuing to work. by reducing working hours or pay grade. Flexible retirement may help services to modernise and achieve the Council's strategic workforce planning objectives.

4.4 The policy allows people to request:

- A reduction in working hours by a minimum of 20% and maximum 60%;
- Lowering pay grade by realigning duties and responsibilities in their role or deploying to a redesigned role at a lower grade.

4.5 The outcome from this policy review concludes our flexible retirement provisions will remain unchanged, with the tone, language and interpretation being more inclusive, in line with other HR&OD policies approved at recent boards.

Implications of the Report

1. **Financial** - The Council's ongoing financial sustainability is dependent on the ability of the Council to transform and modernise services.
2. **HR & Organisational Development** - As outlined in the report.
3. **Community Planning** – None.
4. **Legal** – These policies have been prepared in accordance with current employment legislation.
5. **Property/Assets** – None

6. **Information Technology** – As outlined in the report.

7. **Equality & Human Rights**

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because for example it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. **Health & Safety** - As outlined in the report.

9. **Procurement** – None.

10. **Risk** – None.

11. **Privacy Impact** – None.

12. **Cosla Policy Position** – None.

13. **Climate Risk** – None.

List of Background Papers

None

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Issue Date: 6/23

Review Date: 6/25

This document is available in alternative formats on request.

Flexible Working Policy

This policy applies to all Renfrewshire Council employees



Renfrewshire
Council

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Appendix 1 – Examples of flexible working arrangements

VERSION CONTROL

| Version | Date | Details of Review/Revisals made | Next Review date |
|---------|-----------|---|------------------|
| 2 | June 2023 | Drafting of revised to reflect current legislative requirements | [June 2025] |
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1. Introduction

- 1.1 We are working to be the most supportive, caring and inclusive employer we can be, providing you with a workplace where you feel safe, valued and listened to, a place where you will have a good experience each day and feel supported to achieve your own goals and aspirations, helping you to reach your full potential. Whatever you are employed as in the Council, the work you carry out every day matters a great deal to communities and colleagues, and without it, we simply cannot deliver essential services to our communities or achieve our Council vision and values.
- 1.2 We are adopting new, flexible, alternative ways of working to support our evolving culture of flexibility and service redesigns, enabling us to deliver services differently, in a modernised way. This can provide you with opportunities from your first day of employment to enjoy an improved work-life balance, an example being our well-established informal hybrid working practices which have become part of our everyday working for many of our colleagues.
- 1.3 We recognise that you may have personal commitments, circumstances, responsibilities, and interests which have impacted on your time and availability. Flexible working arrangements can help you to balance your commitments but may be more challenging to apply to certain job roles. We will consider all applications, regardless of any protected characteristics and seek to overcome barriers where possible, to enable you to achieve an enhanced work-life balance, while continuing to meet the needs of the service.
- 1.4 We will provide advice, guidance and training to support this policy.

2. Purpose and Aims

- 2.1 The purpose of this policy is to support the Council's culture of continuous service improvement, being inclusive, flexible, and responsive to customer needs and improving working lives.
- 2.2 This policy aims to:
 - Embrace new ways of working which can support improved work-life balance and maintain health and wellbeing;
 - Help attract and retain a skilled and diverse workforce;
 - Embed a culture across the Council where flexible working is seen by all levels as a benefit with positive outcomes and can support the needs of modern families and lifestyles;
 - Provide consistency for managing flexible working requests equally, fairly, reasonably and without undue delay in accordance with legislation.

- Support the Council with organisational change to ensure future, sustainable service delivery;

3. Scope

- 3.1 This policy enables everyone to request flexible working from day one of their employment with the Council. Further advice and guidance on flexible working for Teachers is available from HR & OD.

4. Our Responsibilities

- 4.1 We all have a part to play to encourage the positive benefits that flexible working can bring to create an environment where our people enjoy their experience at work, evolve our culture and deliver the best service possible to our communities.

5. Benefits of Supporting Flexible Working

- 5.1 We recognise the benefits flexible working provides for you, your service and our communities and we encourage all managers to support and recognise these benefits and seek to overcome any perceived barriers. The benefits include:

- Increasing engagement, motivation, morale, productivity levels and commitment;
- Supporting the Council's equality, diversity and inclusive agenda, promoting cultural change, leading to a more modernised and improved service delivery;
- Adapting and responding more effectively to change and customer requirements, which will improve customer service and satisfaction;
- An open, fair and consistent approach is applied, based on service needs.
- Personal preferences will be considered in line with team requirements and service delivery;
- Greater cost-effectiveness and efficiency across both the workforce and the organisation.

6. Principles of Flexible Working

- 6.1 Flexible working can enable you to change where, when and how you work. You may request changes to your hours of work; start or finish times; patterns of work and work location. You can request flexible working for any reason. Reasons are not limited to caring and/or family responsibilities.

- 6.2 Flexible working can include voluntary reduced hours, term-time working, compressed hours, home/remote working, job share, part-time, etc.

- 6.3 Line Managers will consider your flexible working application and assess the potential benefits and impact on service delivery (See section 6). Line Managers should always consider flexible working requests equally and fairly, seeking to approve applications unless there is a clear business reason for not doing so. If your request is rejected by your line manager, it must be rejected on the basis of the criteria below. Your line manager will also consult with you to finding some compromise wherever possible.
- 6.4 The eight criteria, that a request can be rejected are as follows:
- The burden of additional costs;
 - Detrimental effect on ability to meet customer demand;
 - Inability to re-organise work among existing staff;
 - Inability to recruit additional staff;
 - Detrimental impact on quality;
 - Detrimental impact on performance;
 - Insufficiency of work during the periods the employee proposes to work; and;
 - Planned structural changes.
- 6.5 You may submit up to 2 separate flexible working applications within a rolling 12-month period from the date of your original application. Applications are made and approved/declined through Business World. It will be useful for you to consider the above criteria before you submit your flexible working request. In exceptional circumstances, additional flexible working arrangements may be provided at your manager's discretion, following consultation with HR&OD, which are linked to a major life event, a reasonable adjustment or a protected characteristic under the Equality Act 2010.
- 6.6 If your flexible working application is approved, some terms and conditions of your employment will change, which may include pro-rata adjustments to your salary and leave entitlements. Your pension contributions may also be affected if your salary reduces. This will vary your contract of employment.
- 6.7 If you require temporary or short-term support with family responsibilities or personal commitments, your manager will discuss and consider informal, alternative forms of flexibility with you. This may include if applicable, time in lieu or temporary, short-term changes to your hours of work, days, start/finish times and hybrid working.
- 6.8 Flexible working applications should be approved on a permanent basis. In exceptional circumstances, for example where a service is going through a service redesign, with uncertainty around job roles, your Line Manager can approve your application on a temporary basis not exceeding 12 months. Only in exceptional circumstances, for example due to external funding, will a temporary arrangement exceed 12 months.

- 6.9 Your Line Manager will aim to make a decision on your flexible working application, and any appeal if required normally within 1 month but no later than 2 months from receipt of your application. There may be some circumstances where this 2-month period may be extended following agreement between you and your Line Manager.
- 6.10 Your Line Manager will meet with you to consider your flexible working application normally within 14 calendar days of receipt. You will be informed of the decision to approve or decline your request within 14 calendar days of the meeting date.
- 6.11 If your flexible working application is declined based on a clear business reason, you have the right to appeal this decision. You can submit your appeal using Business World, within 14 calendar days of receipt of the decision explaining your reasons why you are appealing the decision.
- 6.12 The reasons for your appeal may include:
- The policy and guidance have not been applied fairly;
 - The business reason for rejecting the request has not been sufficiently explained;
 - The reason for refusal was not related to a business reason;
 - The manager/service did not fully consider the request;
 - A fact in the explanation of the business reason is incorrect.
- 6.13 Your appeal will be heard by a Senior Officer in your service within 14 calendar days of receipt. The reasons for your appeal will be considered fully and suitable alternatives explored. You will receive a decision on your appeal within this 14-day period. You have a right to be accompanied at your appeal meeting by a Trade Union Representative or work colleague. It is your responsibility to arrange to be accompanied.
- 6.14 You will receive your outcome within 14 calendar days of the appeal meeting. There will be no further right of appeal.
- 6.15 As a result of the COVID-19 pandemic, the Council implemented a hybrid working model in line with the Government guidelines at the time. This model has been positive, benefiting colleagues, communities, and the Council, helping to maintain an agile and sustainable working environment and supporting a positive work-life balance. The Council has committed to continue with these arrangements, allowing ongoing flexibility, without the need to formally apply for hybrid working. If you do not benefit from hybrid working and wish to request a change to your working arrangements, this policy continues to apply. Guidance, frequently asked questions, and training on the principles of hybrid working is available from HR&OD.

7. Confidentiality

- 7.1 Information processed may include paper or electronic records and will be done so in line with the General Data Protection Regulation (Regulation EU 2016/679) (“GDPR”), the Privacy and Electronic Communications (EC Directive) Regulations 2003 (as may be amended by the proposed Regulation on Privacy and Electronic Communications) and any legislation that, in respect of the United Kingdom, replaces, or enacts into domestic law, GDPR or any other law relating to data protection, the processing of personal data and privacy as a consequence of the United Kingdom leaving the European Union.

8. Equality and Human Rights Impact Assessment

- 8.1 This policy has been impact assessed in line with the Council’s obligation to comply with the Equality Act 2010 and the Public Sector Equality Duty.

9. Monitoring and Review

- 9.1 This policy will be reviewed regularly and in line with any legislative and organisational changes. The recognised Trade Unions will be consulted on any future changes to this policy.

Appendix 1 – Examples of Flexible Working Arrangements

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| <p>Part-time (Including variable part-time working)</p> | <p>Reduces the number of contracted hours worked per week. Salary and annual leave will be pro-rated (proportionate to hours worked).</p> <p>Variable part-time working may also be an option, where employees can adjust their part-time hours to suit the needs of the service, i.e., increase their normal contracted hours during busy periods.</p> <p>Depending on the work arrangement agreed, annual leave and public holidays will be pro-rated.</p> |
| <p>Job share</p> | <p>Permits 2 employees to share the responsibilities, tasks, hours, pay and benefits of one post. Teachers have specific guidance on the application of this option.</p> |
| <p>Compressed hours</p> | <p>Permits employees to work their total number of agreed hours over fewer working days, i.e., 10 days over 9 days or working 5 days over 4 days. Depending on the work arrangement agreed, annual leave and public holidays will be pro-rated.</p> |
| <p>Term-time working</p> | <p>Permits employees to work during the school term-times only. Salary will be pro-rated (which is adjusted to include payment for entitlement to annual leave), and no annual leave is taken during term-time.</p> |
| <p>Remote Working</p> | <p>Where employees may, on an ad-hoc basis and with their manager's authorisation, work at home, they may be able to carry out the full range of their duties at home on a more regular basis.</p> |
| <p>Voluntary reduced hours</p> | <p>Reduces the number of hours worked for an agreed period, reverting to their substantive contracted hours at the end of the agreed period.</p> |
| <p>Flexible retirement</p> | <p>Flexible retirement is available for members of SPF from age 55 who can access their pension benefits whilst continuing to work. To access their benefits, they are required to either reduce their working hours or grade. (Please refer to the Flexible Retirement Policy for further details.)</p> |
| <p>Phased retirement - teachers</p> | <p>The Flexible Retirement policy is not available to teachers, but the Scottish Public Pensions Agency (SPPA) operate a Phased Retirement scheme. Employees reduce their earnings due to part time work or a reduction in responsibilities will be able to withdraw part of their pension to substitute their loss of income.</p> |

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This document is available in alternative formats on request.

Flexible Retirement Policy

Supporting employees transition into retirement

This policy applies to Local Government Employees, Craft Operatives and Chief Officers
(Excluding Chief Executive and Teachers)



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1. Introduction

- 1.1 We are working to be the most supportive, caring and inclusive employer we can be, providing you with a workplace where you feel safe, valued and listened to, a place where you will have a good experience each day and feel supported while achieving your own goals and aspirations, and reaching your full potential. Whatever you're employed as in the Council, the work you carry out every day matters a great deal to communities and colleagues, and without it, we simply cannot deliver essential services to our communities or achieve our Council vision and values.
- 1.2 We are adopting new, flexible, alternative ways of working to support our evolving culture of flexibility and to support service redesigns, enabling us to deliver services differently, in a modernised way and can provide opportunities for all employees to enjoy an improved work-life balance. If you are age 55 or over and an active member of the Local Government Pension Scheme, you can apply for Flexible Retirement. This is a voluntary, phased retirement process, enabling you to access your pension benefits while you continue to work, by reducing your hours or your pay grade. Flexible retirement may help services to modernise and achieve the Council's strategic workforce planning objectives.

2. Purpose and Aims

- 2.1 The purpose of this policy is to support services to manage all flexible retirement requests through provision of a fair, and transparent process.
- 2.2 This policy aims to:
- Support employees with the transition to retirement;
 - Retain skilled and experienced employees particularly in services where there are difficulties in recruiting;
 - Support services with organisational change to ensure future, sustainable service delivery;
 - Encourage employees, where appropriate to consider alternatives to full retirement;
 - supporting the retention of employees with either a medical condition, disability, or caring responsibilities.
 - Embrace new ways of working which can support improved work-life balance and maintain health and wellbeing;
 - Embed a culture across the Council where flexible retirement is seen by all levels as a benefit with positive outcomes and can support the needs of modern families and lifestyles;

3. Scope

- 3.1 This policy applies to all eligible Local Government employees, Craft Operatives and Chief Officers, excluding the Chief Executive. Further advice and guidance on the Teachers' Phased Retirement scheme is available from HR & OD.

4. Eligibility Criteria

- 4.1 All requests for flexible retirement will be considered in accordance with the Local Government Pension Scheme (Scotland) Regulations 2018 and the Council's Pension Discretions Policy. In determining requests, consideration will be given to requests being workable, affordable, reasonable and take account of any foreseeable costs to the Council.
- 4.2 Subject to approval, you will be able to access your pension benefits while continuing to work for the council subject to the following conditions. You must:
- Be at least 55 years of age and meet the 2 years vesting period. This is the period of LGPS membership you must have when applying for Flexible Retirement;
 - Reduce your hours of work by a minimum of 20% and maximum of 60% per week or reduce your salary grade.

5. Principles of Flexible Retirement

- 5.1 You should request flexible retirement at least 6 months in advance of when your arrangement is due to start. This will ensure that all of the relevant pension fund, payroll and operational arrangements can be put into place.
- 5.2 You can reduce your hours worked in different ways. For example, hours worked on specific days, or reducing the number of days worked in the week. You should detail your proposed reduced working pattern in your request.
- 5.3 If you are seeking a reduction in grade, this must be to an established vacant post within your existing team or section. In exceptional cases, a move to a post elsewhere within your service may be agreed. A reduction in grade may also be achievable through a service restructure, involving a redefinition of roles and the grade being reduced.
- 5.4 When you flexibly retire, there may be costs associated with this called 'strain on the fund' costs. These costs are normally what the Council would pay to the pension fund when agreeing to the early release of an employee's pension benefit. If you have a strain on the fund cost, the Council will not pay this on your behalf. Your request will only be approved provided you agree to pay this

cost yourself, through a reduction of your pension benefits, which is known as an 'Actuarial Reduction'. Therefore, you should consider the financial implications of accessing your pension early and seek independent financial advice. The Council cannot give you any financial advice or recommendations on this matter.

5.5 It is important to note that you have no automatic right to flexible retirement, it is entirely at the Council's discretion.

6. Requesting Flexible Retirement

6.1 You should have initial discussions with your line manager on your intentions to flexibly retire, before you submit your request. Once you have done this you should request flexible retirement using Business World, providing the following information:

- The reasons for your request;
- The required reduction in your working hours or salary grade;
- The proposed start date of the arrangement;
- The impact(s) the proposed request would have in your work area and on any areas of responsibility that you have.

7. Management Consideration / Decision making

7.1 Your line manager will meet with you to discuss your request in more detail to consider all facts.

7.2 Your line manager will consider the following before a decision is approved:

- The benefits of approving your request, for example retention of key skills and expertise allowing for effective workforce planning;
- All cost implications. Your pension calculations will be requested via HR to SPFO;
- The operational impact on service delivery and whether there is a need to redesign or redistribute work;
- If there are any compassionate reasons for your request;
- The impact on your service's overall structure and whether any line and team management responsibilities can be re-distributed; . .
- If a reduction in your grade may impact on any statutory duties you carry out;
- Any suitable alternatives to flexible retirement.

- 7.3 Your Head of Service will make a final decision on your request within 28 days following the meeting with your line manager. This decision will also be agreed in consultation with the Head of Finance and Business Services and the Head of People and Organisational Development.
- 7.4 You will receive confirmation of the decision without any undue delay. If flexible retirement is approved, a representative from HR&OD will support the process and ensure that the relevant pension fund and payroll documentation is completed. Once arrangements are in place, you will be issued with a variation to your contract of employment. Your terms and conditions, pay, annual leave entitlement, responsibilities etc will be adjusted to reflect your new working arrangement.
- 7.5 If your request is refused, you will receive confirmation of the decision, explaining the business reasons for refusal. The decision taken by your Head of Service is final.

8. Independent Financial Advice

- 8.1 Before agreeing to any permanent contractual employment changes which will affect your retirement plans, you are encouraged to seek independent financial advice and consider the following before requesting flexible retirement:
- When you remain in employment and receiving pension benefits, you could be earning the same or more than the full-time equivalent salary for your role which may result in you paying a higher rate of tax depending on the amount/value of pension benefit you are receiving.
 - You will automatically re-join the pension scheme and pay contributions on your reduced salary. You will accrue new pension benefits which will become payable on full retirement. You can opt out of re-joining the pension scheme and no contributions will be deducted from your salary. This means you would not receive any additional Local Government Pension Scheme pension when you retire fully and no death in service benefits. You can obtain an opt out form from the SPFO Website: www.spfo.org.uk
 - If you retire before your normal retirement date (unless transitional protection arrangements apply) this will result in your pension benefits being reduced (actuarial reduction). You may wish to contact SPFO to check if you have any transitional protection arrangements either via email or: 0345 890 8999.

9. Confidentiality

- 9.1 Information relating to your flexible retirement request will be recorded, maintained, and processed confidentially and securely by your service, line

manager, HR&OD and Customer and Business Services. Information will not be divulged to any third parties without your written consent.

- 9.2 Information processed may include paper or electronic records and will be done so in line with the General Data Protection Regulation (Regulation EU 2016/679) (“GDPR”), the Privacy and Electronic Communications (EC Directive) Regulations 2003 (as may be amended by the proposed Regulation on Privacy and Electronic Communications) and any legislation that, in respect of the United Kingdom, replaces, or enacts into domestic law, or any law relating to data protection, the processing of personal data and privacy as a consequence of the United Kingdom leaving the European Union.

10. Equality and Human Rights Impact Assessment

- 10.1 This policy has been impact assessed in line with the Council’s obligation to comply with the Equality Act 2010 and the Public Sector Equality Duty.

11. Monitoring and Review

- 11.1 This policy will be reviewed regularly and in line with any legislative and organisational changes. The recognised trade unions will be consulted on any future changes to this policy.