

To: Finance, Resources and Customer Services Policy Board

On: 28 March 2018

Report by: Director of Finance and Resources

Heading: Carers Leave and Flexible Retirement HR Policies

1. Summary

- 1.1 This report presents to the Board Carers Leave and Flexible Retirement Policies for approval. The Carers Leave Policy applies to all Local Government Employees, Craft Operatives and Chief Officers (excluding Teachers) and the Flexible Retirement Policy applies to all Local Government Employees, Craft Operatives and Chief Officers (excluding the Chief Executive and Teachers). The Carers Leave Policy is attached at **Appendix 1** and Flexible Retirement **Appendix 2**.
- 1.2 The Carers Leave Policy demonstrates the Council's commitment to supporting employees who have primary caring responsibilities with paid time off work to provide caring support to an ill, frail or disabled relative or partner, subject to meeting specific criteria. Under the proposed policy, Carers leave can be taken in hours, half or full days or a block of a week. The policy will complement existing policies and assist the Council to identify and positively engage with employees who are carers to better understand their daily challenges and seek to remove any barriers to attending work.
- 1.3 The Council will establish a new Carers Support Network Group for employees as part of the implementation of this policy. This peer to peer group will provide an opportunity for employees to meet and share experiences of their caring responsibilities and support provisions available. The Council will invite local carers support organisations within Renfrewshire to participate.

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- Flexible Retirement is an employer discretion under the Local Government 1.4 Pension Scheme Regulations. The policy enables an active member of the Local Government Pension Scheme (LGPS), who is 55 years or over, has met the 2 years vesting period in the scheme and who agrees to a reduction in working hours or grade with the Council's consent, to elect to receive immediate payment of all or part of the retirement pension to which they are entitled to in respect of that employment. Under the terms of the policy, any agreement to a flexible retirement request would be on the basis of there being no cost to the Council, with the employee's pension entitlement being subject to an actuarial reduction to meet the pension fund strain costs arising from the employee accessing their pension benefits earlier than the normal retirement age. The policy will be applied only in appropriate circumstances that meet the needs of both the employee and the Council and in such circumstances, will support employees with the transition into retirement whilst helping the Council with its workforce planning and wider needs to retain key skills and experience.
- 1.5 Consultation on both these policies has taken place with the Trade Unions and Legal colleagues and appropriate feedback has informed the development of this policy
- 1.6 Following approval from Board, both policies will be communicated to all managers and employees within the Council via the normal channels.

2. Recommendations

2.1 To approve the proposed Carers Leave and Flexible Retirement Policies.

3. Background

3.1 Carers Leave Policy

- 3.2 The Council recognises that the population is ageing. As people care for older relatives and friends, caring will increasingly become part of more people's everyday lives, impacting on those in and out of work. In addition, it is recognised that will attain caring responsibilities and demands for temporary periods or will be the primary support to a family member going through a key life event and potential transitions in an out of care arrangements.
- 3.3 It is recognised that managing work and caring responsibilities can be challenging and stressful. Research carried out by the Scottish Government indicates that over 3 million people in the UK combine paid work with caring responsibilities. In Scotland this figure is 270,000 and equates to 1 in 8 of the Scottish workforce having caring responsibilities, with this likely to increase as the population gets older and people remain in the work for longer.

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- Supporting carers to remain in employment can bring considerable benefits to carers themselves, the Council and the community.
- 3.4 The policy defines a carer as someone who provides unpaid care to an ill, frail or disabled relative or partner. The person is the primary carer and this is not the same as someone who provides care professionally or through a voluntary organisation.
- 3.5 The Council already has a range of existing policies and arrangements which are aimed at supporting employees with, amongst other things, long term caring responsibilities, as well emergency situations. To complement the existing suite of policies and arrangements, the proposed Carer Policy looks to provide an additional layer of support for the Council's employees. The Council's existing arrangements provides Flexible Working and Special Leave Policy provisions, the opportunity to purchase additional annual leave as well as Services also having in place local arrangements to support carers such as unpaid leave or working the time back at another suitable time.
- 3.6 The new policy will enable employees who are primary carers to request paid carers leave (up to a maximum of 1 week pro-rated) to help care for an ill, frail or disabled relative or partner, in times of need, subject to meeting certain criteria.
- 3.7 Some examples of when carers leave can be requested include:
 - To manage an unplanned or temporary caring emergency assisting a relative or partner who is ill or injured and is unable to look after themselves;
 - To make arrangements for the provision of care for a relative or partner who is ill or injured;
 - To manage an unexpected breakdown of care arrangements for a relative or partner;
 - To manage the transition from home to care home or hospital to home/care home;
 - To provide support when caring for a terminally ill relative or partner;
 - To manage the hospitalisation of a relative or partner.
- 3.8 The Council will establish a Carers Register enabling it to better identify primary carers within the Council so appropriate support can be given. The register will be held by HR & OD in full compliance with the General Data Protection Regulations. In addition, a new Carers Support Network Group will be established for employees as part of the implementation of this policy. This peer to peer group will provide an opportunity for employees, if they wish, to meet and share experiences of their caring responsibilities and support provisions available. The Council will invite local carers support organisations within Renfrewshire to participate.
- 3.9 Benchmarking information from other public bodies has highlighted paid carers leave arrangements where operating ranges from 3 days to 1 week (pro-rated).

3.10 Flexible Retirement Policy

- 3.11 The Council recognises the importance of supporting its workforce to achieve a balance between their work and home life during employment and in planning for the transition to retirement. Local authorities have the discretion to consider flexible retirement requests in line with the Local Government Pension Scheme Regulations.
- 3.12 The Flexible Retirement policy will support the Council to manage flexible retirement requests with a clear, fair and transparent process and aims to:
 - Support employees with the transition to retirement;
 - Promote work-life balance and age diversity;
 - Retain skilled and experienced employees particularly in areas where the Council has hard to recruit posts;
 - Support services with organisational change and workforce planning;
 - Encourage employees where appropriate to consider alternatives to full retirement.
- 3.13 To be eligible to apply, employees must be at least 55 years of age and have met the 2 years vesting period within the LGPS and agree to reduce their weekly hours or grade. It is proposed in the policy that employees reduce their weekly hours by a minimum of 20% up to a maximum of 60% or reduce their grade. Applications under the policy would be considered on a case by case basis and would be applied only where it was in the interests of the Council's operational requirements and the specific requirements of the post.

4. Implementation of Carers Leave and Flexible Retirement Policies

4.1 If approved, the policy will be distributed to all managers and employees through the normal communication and engagement channels.

Implications of the Report

1. Financial

Carer Leave - Subject to meeting criteria, employees will receive a maximum of up to 1 working week paid per year to support their caring responsibilities.

Flexible Retirement - Strain on the fund pension costs associated with an employee retiring early will not be absorbed by the Council. Any request for flexible retirement which has a strain cost will only be approved provided the employee agrees to a reduction of their pension taking account of these costs.

- 2. **HR & Organisational Development -** HR & OD will provide advice and guidance to managers and employees on the interpretation and application of this policy.
- 3. **Community Planning None**
- 4. **Legal -** The Council will meet its legislative and best practice requirements.
- 5. **Property/Assets None**
- 6. Information Technology None
- 7. Equality & Human Rights
 - (a) 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. 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 None**
- 9. **Procurement –** None
- 10. Risk None
- 11. **Privacy Impact –** None
- 12. **Cosla Policy Position not applicable.**

List of Dookswarrad Donosa

List of Background Papers

Not applicable

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1. Introduction

- 1.1 The Council recognises that employees increasingly have caring responsibilities which sometimes can be challenging and may impact their ability to balance their work and home life.
- 1.2 For carers, work can often represent a lifeline, not only financially, but in providing a life outside of caring. However, juggling work and caring responsibilities can be extremely stressful. Research carried out by the Scottish Government indicates that over 3 million people in the UK combine paid work with caring responsibilities. In Scotland this figure is 270,000 and equates to 1 in 8 people across the Scottish workforce having caring responsibilities, with this likely to increase significantly as the population gets older and people remain in the work for longer.

2. Purpose and Aims

2.1 The purpose of this policy is to support the Council in managing carers leave requests with a clear, fair and transparent process, whilst supporting employees who are primary carers to balance home and caring commitments.

2.2 The policy aims to:

- Demonstrate the Council's commitment to supporting employees who have caring responsibilities;
- Provide support to help employees balance working and caring commitments;
- Support the Council to identify and engage with employees who are carers to understand their daily challenges and seek to remove any barriers:
- Raise awareness of support provisions available through the Council, for example, health and well-being and financial.
- 2.3 This policy compliments the Council's flexible working and special leave provisions already in place and will support employees who are primary carers with paid time off work.

3. Scope

3.1 This policy applies to all Council employees, excluding Teachers. It does not apply to Teaching staff who have their own arrangements in place.

4. Definition of a Carer and Carers Leave

4.1 For the purpose of this policy, a carer is an employee who provides unpaid care to an ill, frail or disabled relative or partner. The employee is the primary carer and this is not the same as someone who provides care professionally or through a voluntary organisation.

- 4.2 Paid carers leave may be requested by employees with primary caring responsibilities. Although not an exhaustive list, some examples of when paid carers leave may be requested include:
 - To manage an unplanned or temporary caring emergency assisting a relative or partner who is ill or injured and is unable to look after themselves:
 - To make arrangements for the provision of care for a relative or partner who is ill or injured;
 - To manage an unexpected breakdown of care arrangements for a relative or partner;
 - To manage the transition from home to care home or hospital to home/care home:
 - To provide support when caring for a terminally ill relative or partner;
 - To manage the hospitalisation of a relative or partner.

5. Carers Register and Carers Leave

- 5.1 In order to qualify for paid carers leave, employees must firstly register themselves on the Council's Carers Register. This can be done by completing the registration form available at **Appendix 1.** To register employees must meet the qualifying criteria below:
 - They are the primary carer;
 - They have at least 26 weeks continuous service;
 - Be able to provide evidence of their caring responsibilities and relationship through their GP or through their local Carers Centre such as Renfrewshire Carers Centre.

If this type of evidence is not available, other forms of evidence that demonstrate a primary caring responsibility exists will be considered.

- 5.2 The Carers Register will be held by HR & OD in full compliance with the General Data Protection Regulations. Placement on the register will be reviewed annually or following a change in circumstances. It will be the responsibility of the carer to inform HR & OD of any changes in circumstances.
- 5.3 The line manager will seek confirmation from HR & OD of their employee's eligibility to request paid carers leave. Employees who are eligible can request a maximum of **1 week** paid carers leave in any leave year. Carers leave approved will be pro-rated in line with an employee's hours/work pattern. Requests for carers leave can be made in hours, half or full days or a complete week.

- 5.4 The Council provides access to other support for employees with caring responsibilities that may compliment or be an alternative to carers leave. These include the:
 - Special Leave Policy;
 - Flexible Working Policy, including reduction in hours, compressed hours, home working;
 - Supporting Attendance Policy;
 - Occupational Health and Employee Counselling;
 - Annual Leave and Additional Annual Leave;
 - Flexi time.
- 5.5 The Council will establish a new Carers Support Network Group for employees on the Carers Register. This peer to peer group will provide an opportunity for employees to meet and share experiences of their caring responsibilities and support provisions available. The Council will invite local carers support organisations within Renfrewshire to participate.

6. Making a request for Carers Leave

- Once listed on the Council's Carers Register, employees wishing to apply for carers leave should complete the form at **Appendix 2** and submit it to their line manager as soon as is practically possible. Employees must give reasonable notice to allow their manager to fairly consider their request. Key information the line manager will consider includes the following:
 - The employee has applied to and is listed on the Carers Register;
 - Confirmation that the employee is the primary carer and details of the caring relationship;
 - Confirmation that they have 26 weeks continuous service;
 - The amount of carers leave requested (hours/days/week);
 - The date the carers leave will start and finish;
 - Details of any shared carers leave with a spouse, partner, family member or friend who also works with the Council.

7. Considering a request and reaching a decision

- 7.1 To consider a request for carers leave, a line manager on receipt must obtain confirmation from HR & OD that the employee is listed on the Council's Carers Register. The line manager should discuss the request with the employee, taking into account the carer's personal circumstances. The line manager must clarify the reasons for the application and ensure that carers leave is the most appropriate option as other alternatives may be more suitable. Before reaching a decision on the request, the line manager should consider the following:
 - The carers relationship to the relative or partner;
 - The nature of the relative or partner's illness;
 - The expected duration of the carers leave;

 The operational impact on service delivery and costs associated with any backfilling if required and/or whether work needs to be redistributed.

Costs should be considered based on what is reasonable and fair, taking into account the circumstances of the request.

- 7.2 Requests for Carers Leave must be recorded in the same way as Special Leave requests. Managers must also inform Customer and Business Services and the Payroll section when carers leave has been approved.
- 7.3 If a line manager refuses a request for carers leave, the employee must receive from the line manager written confirmation providing the business reasons for the refusal. The manager's decision is final.
- 7.4 In the event that two employees of the Council share primary caring responsibilities for a relative, only one request for carers leave can be approved (unless the two employees are able to share the carers leave provision of 1 week). For example, if a married couple have caring responsibilities for a relative, carers leave could be shared with one employee receiving three days and the other employee receiving two days.

8. Confidentiality

8.1 Information relating to carers leave should be recorded, maintained and processed confidentially and securely by the relevant Service, HR and Organisational Development and Customer and Business Services. Information processed may include manual or electronic records and will be done so in line with the General Data Protection Regulations and will be used only to monitor the effectiveness of this policy.

9. Impact assessment

9.1 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.

10. Monitoring and review

10.1 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 – CARERS REGISTER APPLICATION FORM

RENFREWSHIRE COUNCIL CARERS REGISTER APPLICATION FORM - HR&OD/CL/1



The Council's Carers Register is a list of employees who have identified themselves as primary carers. The purpose of the register is to help the Council identify primary carers to ensure that they receive appropriate support and information. Acceptance on the register is conditional upon employees meeting the qualifying criteria set out in the Carers Leave Policy (Section 5) and detailed on this form.

1. Personal details				
Name:				
Designation:	_	Service:		
Work location:		Home Address:		
Employee number:		Work phone Number:		
2. Application/Eligibi	lity Criteria			
I would like to apply to for inclusion on the Council's Carers Register. I am making this application as I have primary caring responsibilities as defined within the Carers Leave Policy (Section 5).				
I confirm:				
I am a primary carer for a relative/partner (in line with the Carers Leave Policy)				
I have provided evidence of my primary caring responsibilities from my GP/Carers Centre				
I have 26 weeks continuous service				
Please provide details if you share primary caring responsibilities with another Council				

3. Consent and Declaration	
I consent to you sharing this information with my period of carers leave. I confirm that all information I have given on this accurate.	
Signature: Date:	
4. GP/Carers Centre Confirmation	
I confirm thatprimary caring responsibilities.	is a primary carer and regularly carries out
GP/Carers Centre Signature or Stamp:	
Date:	
Dalt.	

APPENDIX 2 – CARERS LEAVE REQUEST FORM

RENFREWSHIRE COUNCIL CARERS LEAVE REQUEST FORM - HR&OD/CL/2



Note to the employee

This form should be used to make a request for paid Carers Leave. Please ensure all sections are completed before sending to your line manager for their consideration.

Note to the line manager

On receiving a request for paid carers leave, the line manager should discuss the request with The employee, taking into account the carer's personal circumstances. The line manager must clarify the reasons for the request with the employee and ensure that carers leave is the most appropriate option. Before reaching a decision on the request, the line manager should consider the following:

- the carers relationship to the relative or partner;
- the nature of the relative or partner's illness;
- the expected duration of the carers leave;
- the operational impact on service delivery and costs associated with any backfilling if required and/or whether work needs to be redistributed.

1. Personal details		
Name:		
Designation:	Service:	
Work location:	Home Address:	
Employee number:	Work phone Number:	
2. Carers Leave Request		

I confirm I am eligible to apply for paid Carers Leave and I listed on the Carers Register as per Section 5 of the Carers Leave Policy.

I would like to request paid Carers Leave as detailed below:

Start Date	End Date	No of days requested	Reason for Request

3. Carers Leave Request Form Declaration			
I confirm that all information I have given on this form is accurate. If this request is found not to be genuine the Council's Disciplinary Procedures will be applied.			
Signature:			
Date:			
4. Outcome of Care	rs Leave request – To be completed by the line manager		
Manager Name:			
Designation:			
Request Approved/Declined			
if the request is deci	lined please provide the reason:		
HR & OD	I have checked that the employee is listed on the Carers Register and meets the qualifying criteria. Signature:		
Representative:	Data		
	Date:		
Date passed to CBS & Payroll:			



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1. Introduction

- 1.1 The Council recognises the importance of supporting its workforce to achieve a balance between their work and home life during employment and in planning for the transition to retirement. Flexible retirement can also be helpful in supporting services to modernise and achieve the Council's strategic workforce planning objectives.
- 1.2 Flexible Retirement enables an active member of the Local Government Pension Scheme (LGPS), who is 55 years or over, has met the 2 years vesting period in the scheme and who agrees to a reduction in working hours or grade with the Council's consent, to elect to receive immediate payment of all or part of the retirement pension to which they are entitled to in respect of that employment.
- 1.3 All requests for flexible retirement will be considered in accordance with the Local Government Pension Scheme (Scotland) Regulations 2014 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.

2. Purpose and Aims

- 2.1 The purpose of this policy is to support the Council to manage flexible retirement requests with a clear, fair and transparent process.
- 2.2 This policy aims to:
 - Support employees with the transition to retirement;
 - Promote work-life balance and age diversity;
 - Retain skilled and experienced employees particularly in areas where the Council has hard to recruit posts;
 - Support services with organisational change and workforce planning approaches;
 - Encourage employees, where appropriate to consider alternatives to full retirement.

3. Scope

3.1 This policy applies to all local government employees, aged 55 years and over and who meet the 2 year vesting period within the LGPS. This policy will exclude the Chief Executive and Teaching staff. Teaching staff have their own arrangements in place.

4. Eligibility Criteria

4.1 The Head of Service or nominated senior officer will determine each request for flexible retirement on its own merits, carefully considering the potential benefits and impacts the request will have as detailed in Section 6.3 of this policy. There is no automatic right to flexible retirement.

- 4.2 Employees must meet and agree to the following eligibility criteria:
 - Be at least 55 years of age and have met the 2 years vesting period within the LGPS and;
 - Reduce their hours of work by a minimum of 20% and maximum of 60% per week or reduce their grade.
- 4.3 A reduction in hours can be achieved in a number of ways. For example, reduced hours on specific days, or everyday, or reducing days worked in the week. The proposed reduced working pattern should be detailed in the request.
- 4.4 A reduction in grade must be to an established vacant post within the employee's team or section. In exceptional cases, a move to a post elsewhere within the service may be agreed. A reduction is grade may also be achieveable through a service restructuring involving a redefinition of roles and grade reduction.
- 4.5 Strain on the fund pension costs associated with an employee partly retiring early will not be absorbed by the Council. Any request for flexible retirement which has a strain cost will only be approved provided the employee agrees to a reduction of their pension taking account of these costs.

5. Making a Flexible Retirement Request

- 5.1 Employees should submit their request for flexible retirement to the Head of Service in writing, providing the following information:
 - The reasons for the request;
 - The required reduction in hours or grade;
 - The proposed start date of the arrangement;
 - The impact(s) the proposed request would have in their work area and on any areas of responsibility that they have.
- 5.2 All flexible retirement requests should be made at least 6 months in advance of when the arrangement is due to start. This will ensure that the relevant pension fund, payroll and operational arrangements can be put into place.

6. Considering a Request and Reaching a Decision

- 6.1 The Head of Service or nominated senior officer should hold a meeting with the employee to discuss the request. The purpose of this meeting is to discuss the request in detail ensuring all facts are gathered or where appropriate consider alternatives to flexible retirement.
- 6.2 A decision on the request should be made by the Head of Service or nominated senior officer within 28 days following the meeting. All decisions made will be agreed in consultation with the Chief Executive, the Director of

- Finance and Resources, the relevant Service Director and the Head of HR and Organisational Change.
- 6.3 The Head of Service or nominated senior officer should consider the following before making the decision:
 - The benefits of approving the request, for example retention of key skills and expertise allowing for effective workforce planning;
 - All cost implications. Pension calculations from Strathclyde Pension Fund Office should be requested;
 - The operational impact on service delivery and whether there is a need to redesign or redistribute work;
 - Any compassionate reasons for the request;
 - The impact on the structure and any line and team management responsibilities;
 - Any statutory duties in which a reduction in grade may impact on;
 - Any suitable alternatives to flexible retirement.
- The employee will receive written confirmation of the decision without any undue delay. If flexible retirement is agreed, a representative from HR and Organisational Development should arrange to meet with the employee to ensure that the relevant pension fund and payroll documentation is completed. Once arrangements are in place, a variation to the contract of employment will be issued to the employee. Adjustments to the employee's terms and conditions, pay, annual leave entitlement, responsibilities etc will be made to reflect the new flexible working arrangement.
- 6.5 Should the request be refused, the employee will receive written confirmation of the decision from the Head of Service or nominated senior manager explaining the business reasons for refusal. The Head of Service or nominated senior manager's decision is final.
- 6.6 Membership of the LGPS will continue if flexible retirement is approved, unless employees choose to opt out of the pension scheme.

7. Employee Considerations and Financial Advice

- 7.1 Employees are encouraged to seek independent financial advice before agreeing to any permanent, contractual employment changes which will affect their retirement plans. Also, employees should also consider the following before requesting/agreeing to a flexible retirement arrangement:
 - Flexible retirement will be a permanent contractual adjustment until a final retirement date is agreed.
 - Remaining in employment whilst in receipt of pension benefits may result in an employee earning the same or more than the full time equivalent salary for that role. This could also result in an employee

paying a higher rate of tax dependant on the amont/value of pension benefit accessed.

- Employees will automatically re-join the pension scheme paying contributions on the reduced salary accruing new pension benefits which will become payable on full retirement. Employees who do not wish to re-join the pension scheme may opt out and no contributions will be deducted from their salary. This means that an employee will not receive any additional Local Government Pension Scheme pension when they retire fully and there would also be no death in service benefits. Opt-out forms are available from the pension scheme provider: www.spfo.org.uk.
- Employees who retire before their earliest retirement date (unless transitional protection arrangements apply) should be aware that this will result in their pension benefits being reduced (actuarial reduction).

8. Confidentiality

8.1 Information relating to flexible retirement requests will be recorded, maintained and processed confidentially and securely by the relevant Service, HR and Organisational Development and Customer and Business Services. Information processed may include manual or electronic records and will be done so in line with the General Data Protection Regulations and will be used only to monitor the effectiveness of this policy. Information will not be divulged to third parties without written consent from the employee.

9. Impact Assessment

9.1 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.

10. Monitoring and Review

10.1 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.