

## FLEXIBLE WORKING POLICY

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**\*Electronic versions of these forms can be found either on the HR intranet page under the header “Policies, Procedures and Guidelines”- “Flexible Working” or the Employees Internet Page.**

## FLEXIBLE WORKING PRACTICES PROCEDURES

### POLICY STATEMENT

Scottish Borders Council (The Council) recruits and retains high quality employees who can ensure that the organisation performs to high standards. The Council greatly values the loyalty and capability of employees, their ability to work hard and deliver demanding targets. The Council recognises that all employees need to achieve a balance between their home and their work in order to live and work healthily. This policy aims to provide ways of achieving that balance through flexible working practices.

The Council is committed to promoting equal opportunities and to ensuring that there is no discrimination on the grounds of race, sex, disability, sexual orientation, age, religion or belief, gender reassignment or gender identity or pregnancy or maternity. Managers and employees are responsible for operating the Flexible Working Practices Policy and Procedures in line with the Council's Equality, Diversity and Human Rights Policy.

The Council is committed to reflecting the diverse population of the Scottish Borders and to the integration of equal opportunities into all aspects of employment. The Flexible Working Practices Policy aims to help attract and retain a diverse work force, valuing the differing needs of individuals, some of whom would be unable to work without flexible working practices.

For individuals from particular protected characteristic groups (such as people with disabilities), flexible working can increase their suitability for employment by the Council and there is a potential for existing employees to remain in work if they become disabled. This is welcomed by the Council as it expands the pool of suitable candidates for jobs and enables the skills and experience of existing employees to be retained.

The Council is committed to operating flexibly by making a number of alternative working patterns available to employees. These flexible working practices are open to all employees who are directly employed by the Council. All employees have a right to be treated fairly and with dignity and respect. Where employees can work efficiently and effectively and customer service is maintained or improved, applications for flexible working will be considered favourably.

The Covid 19 pandemic showed that many roles can be performed successfully through home working or working elsewhere outwith Council offices, and that equally many roles can be undertaken at different times to what have traditionally been regarded as "working hours".

The nature of work in different Departments and in different jobs varies to the extent that a request for a working pattern in one area may be approved whilst, in another area, it cannot be approved. Individuals will be given the reason why a request is not approved and can appeal against it.

However, managers should adopt an open mind to the possibility of hours being worked flexibly.

For many people in the Council, flexible working practices represent a new way of working and of managing employees' work. Managers and employees will be supported in the implementation of flexible working arrangements and should contact Human Resources Case Management Team telephone 01835 825015 skype: askhr or e-mail: [askhr@scotborders.gov.uk](mailto:askhr@scotborders.gov.uk) for guidance.

## Policy Review

The outcomes of this Policy will be reviewed at least every two years. If any trends emerge these will be analysed and appropriate steps taken, potentially including a full review of the policy. Changes to this document and related procedures are the responsibility of the Director People Performance and Change..

Additionally, as a minimum an integrated impact assessment of the policy will be carried out every two years in accordance with the Council's HR Policy Review programme or as required by legislative requirements in order that the Policy remains relevant and fit for purpose.

## 1 SCOPE, AIMS AND PRINCIPLES

### 1.1 Scope

These procedures apply to all employees, whether on full-time or part-time contracts and whether on permanent or temporary contracts.

The procedures exclude Agency staff, freelance or self-employed people and anyone else who is not directly employed by the Council under a contract of employment.

The procedures deal with the process of applying for flexible working practices and, where it is approved, making it work.

### 1.2 Aims

The Council supports the principle of enabling employees to achieve a work/life balance. This includes giving employees the opportunity to work more flexibly wherever practicable.

The Council will review the proportion of the work force who adopt flexible working patterns to monitor the impact and uptake, based on race, sex, sexual orientation, age, religion or belief, gender reassignment/ gender identity, disability and pregnancy and maternity.

Flexible working practices can bring benefits to both the Council and employee, including:

- providing greater flexibility in employees' working lives
- providing greater flexibility for the Council to deliver customer-focussed services
- increasing scope to meet the Council's commitment to equal opportunities e.g. it may enable a person with disabilities to do a job they otherwise would not be able to do
- broadening the traditional recruitment market and gaining access to alternative labour markets
- attracting and retaining staff
- providing a working environment which enables work to be carried out effectively and efficiently
- Reducing energy consumption and pollution from unnecessary car journeys
- Reducing the Council's property footprint
- Allowing Council properties to become "Covid safe" spaces.

Employees who adopt a flexible working pattern should not be disadvantaged financially or in terms of job satisfaction or career prospects. They are entitled to the same training, personal development and job opportunities as other staff.

### **1.3 Principles**

The following principles apply:

- Any flexible working arrangements must operate in accordance with the requirements for service delivery.
- Employees who have a flexible retirement arrangement in place cannot apply for phased retirement or vice versa.
- All flexible working arrangements should be reviewed regularly, and at least annually. This can be undertaken as part of the annual Appraisal process.
- The needs of all employees will be respected. Differences in the type of work requirements for different jobs and Departments will mean that there will be local variation in how flexible working practices can be adopted. However, requests for flexible working practices will be considered fairly in line with this policy and procedures and reasons given if they cannot be accommodated.
- The commitment to flexibility is two-way. Employees and managers need to work creatively together to be responsive to the needs of employees and the workplace
- The Council will promote and support a culture of delegation and empowerment as one means of achieving flexibility and responsiveness
- The Council is committed to enabling employees to achieve a work life balance and managers will lead by example in the way they manage their own work life balance
- Managers will work with employees to achieve their full potential, irrespective of their working pattern
- Work will be planned and resourced adequately so that employees are not required to work additional hours on a regular basis.
- It should be noted that employees with a disability may benefit from flexible working. The flexible working arrangement may constitute a reasonable adjustment in terms of the Equality Act.

## **2 LINKS WITH OTHER COUNCIL POLICIES**

**2.1** This policy is associated to the following key policies and where applicable should be cross referenced to gain further detail:

- Attendance Management Policy
- Code of Practice on Data Protection
- Equality Diversity, and Human Rights Policy
- Employee Travel and Mileage Policy
- Family Friendly Policy
- GDPR Staff Handbook
- Grievance Policy and Procedures
- Health & Safety Policy
- Information Security Policy
- Leave
- Learning & Development Policy
- Lone Working Procedures
- Managing Work Performance Policy

- Reasonable Adjustments Policy
- Recruitment and Selection
- Retention and Redeployment Policy and Procedure
- Strategic People Plan
- Training and Development Policy Statement
- Working Time Regulations

### **3 INTRODUCTION TO FLEXIBLE WORKING PRACTICES**

#### **3.1 The purpose of flexible working practices**

The UK Government, the Scottish Government and society in general requires employers to give greater consideration to work life balance. This is evident through national directives and a wide range of legislation which supports, in particular, the role that parents and carers play in society.

Appendix 1 provides a glossary of flexible working practices and gives a description of each one.

#### **3.2 The availability of flexible working practices in the Council**

The Council fully supports flexible working practices and will continue to develop its working practices in parallel with the development of its management practices, the needs of employees and the operational requirements of the organisation.

The following flexible working practices can be applied for by employees and will be monitored, reviewed and revised in the light of experience:

- Blended/ Agile working
- Flexible working patterns i.e. compressed hours
- part-time
- job share
- home working
- phased retirement
- flexible retirement
- wind down/phased retirement - teachers

As a public body, the Council has particular aims in increasing flexible working practices across the organisation:

- to retain skilled, experienced employees
- to respect all employees' right to a work life balance
- to enable employees to come back to work after maternity leave
- to attract new employees from a wider pool of applicants
- to increase recruitment of under-represented groups, such as people with disabilities
- to optimise the efficiency and effectiveness of the Council through utilising different working patterns
- to avoid work-related stress by avoiding long hours working
- to create a responsive and flexible organisation.
- To decrease the Council's property footprint
- To reduce the Council's carbon footprint
- To make Council buildings Covid – safe spaces

### 3.3. **The statutory right to request flexible working practices**

All employees have a statutory right to request a permanent change to their working pattern. This statutory right applies to employees who are directly employed by the Council, have at least 26 weeks' service, and have not made a previous application for flexible working practices within the past 12 months. In addition the Council will consider requests from all employees regardless of length of service.

## 4 **PROCEDURE FOR APPLYING FOR FLEXIBLE WORKING PRACTICES**

### 4.1 **Applying for flexible working practices**

This procedure applies to all employees who wish to make a request for their working pattern to be changed. The procedure is summarised in a flow chart at [Appendix 2](#).

The HR Case Management Team are available to provide confidential advice to employees and managers on all aspects of flexible working practices.

Employees should make their applications as follows:

Blended working – by completing the [Blended working application form](#)

Flexible working patterns – by completing the [Flexible working pattern application form](#).

Applications for other forms of flexible working can be made by writing to their line managers using the forms starting at [Appendix 4](#).

#### **When using the [Flexible working pattern application form](#).**

The line manager will either approve the application or invite the employee to a meeting to discuss the application, which will take place within 4 weeks of the application being received. Employees are welcome to bring with them a companion, who is either a work colleague or trade union representative.

At this meeting, the line manager will discuss the application with the individual and consider whether the request can be accommodated. Not all employees can have their preferences accommodated but managers are expected to consider ways of doing so before reaching a decision. The discussion should be open and constructive, and take into account the following points, which form an indicative rather than an exhaustive list:

- the needs of the individual
- options for where the work can be carried out
- options for when the work can be carried out
- options for how the work can be carried out
- how much the postholder needs to interact with others
- how much other people (e.g. colleagues, managers, customers) need to interact with the postholder
- the impact on work delivery
- the level of skill mix required in the workplace at particular times
- the needs of other individuals, the team and the wider workplace
- the likely costs and savings of the change



- Whether the request could be accommodated through a job – share arrangement (in which case the employee may be asked to complete a job – share application form ([Appendix 5](#)))
- The implications of the change on the employee’s pay and other conditions of service.

An application for Flexible Working can only be refused legally for reasons based on one or more of the grounds listed below.

The line manager will write to the employee within 2 weeks of this meeting, giving their decision, and if the application is not granted listing the grounds upon which the application has been refused and explaining why they apply to the employee’s circumstances.

- burden of additional costs
- reduces the ability to meet customer demands
- inability to reorganise work amongst existing employees
- inability to recruit additional employees
- negative impact on quality
- negative impact on performance
- insufficient work during periods the employee wants to work
- planned structural changes.

If the request is not approved, the line manager will give the employee the right to appeal in writing within 2 weeks of the decision.

Also, if the request cannot be approved for one or more of the reasons listed above, line managers and employees should consider whether there is a workable partial solution. Where there is genuine doubt about a proposed working pattern but a willingness to overcome difficulties, a trial period can be considered for a fixed period (not usually less than 3 months) with regular reviews. The HR Case Management Team can provide further advice on this matter.

If the request is not approved the employee may appeal by writing to the Director People Performance and Change within 2 weeks of the decision. This must set out the employee’s grounds of appeal.

The decision of the Director People Performance and Change (or their representative) is final.

Where a change to working practices is agreed, the line manager must advise HR Shared Services in writing by completing a notification of change form without delay

HR Shared Services will write to the employee with the agreement, giving the contractual variations and the effective date.

Flexible working practices can require a different approach to line management. Some guidance for managers is provided at [Appendix 3](#).

#### 4.2. Frequency of applications

If an application has been refused, employees can re-apply in 12 months' time, using the above procedure.

#### 4.3 Employees' rights and responsibilities

Flexible working practices affect everyone in the organisation, whether or not they are working a flexible pattern themselves. Employees need to consider the impact on others when making a request for a flexible working pattern.

Employees can expect the following when making a request:

- their request will be considered seriously and fairly
- their manager will discuss their needs with them and have a genuine interest in meeting their needs
- their manager will discuss the impact on the workplace openly and constructively and ask questions about how to resolve any potential issues
- their manager will balance this request with those of other employees.

Employees are expected to do the following:

- be reasonable and responsible when making a request
- consider the impact of their proposed working pattern on colleagues, on customers and on the workplace
- anticipate any difficulties of working a flexible pattern and think through options and solutions
- respect their manager's decision and also be prepared to compromise, perhaps by working towards their preferred working pattern incrementally or on a trial basis
- be proactive about maintaining effective communication and interaction with colleagues and others when working flexibly
- manage their own workload effectively and ensure that their working pattern does not adversely affect colleagues or customers
- understand and meet their managers' work requirements when working a flexible pattern
- provide support and cover for colleagues in the team.

#### 4.4 The role of HR

HR will promote the organisation's use of diverse patterns of working to meet the needs of current employees, to attract new employees who cannot work to a full-time standard contract and to increase flexibility across the Council.

HR will provide the following service:

- to promote work life balance amongst all employees at all levels of the organisation
- to advise and coach managers on the interpretation and application of the flexible working practices policy and guide them on making decisions
- to encourage creative thinking and assist managers and employees in finding solutions
- to share good practice and success stories and also draw lessons from experience
- to monitor patterns of working practices in the Council

- to ensure compliance with the Equality Act 2010.

## **FLEXIBLE WORKING IN PRACTICE:**

### **5 BLENDED/ AGILE WORKING**

Employees and managers are now accustomed to working in different ways, in particular in working remotely without attending the office.

As we move forward, employees' preference for future working arrangements is to spend part of their time in the office and part of their time at home.

Agile working is a way of working in which an organisation empowers its people to work with maximum flexibility and minimum constraints to optimise their performance and to do their best work.

The amount of flexibility does depend on the nature of a role, alongside their customer base and expectations.

However, the overall agile working principle is that work is about outputs rather than the outdated idea that an employee is located in a specific building for a fixed period over a day (typically Monday to Friday, 9am to 5pm).

Employees can make an application for this by completing the Blended working application. Employees can detail on the form when they would like to work from home and when they would like to be in the workplace.

They can also detail what hours they would like to work, for example to accommodate caring responsibilities or other domestic arrangements. (see examples below).

The form will be automatically forwarded to the employee's line manager. Who will either approve the application or arrange a meeting as detailed in paragraph 4.1.

Employees working a Blended Working patterns must ensure that any alternative workplace is a suitable working environment with adequate security arrangements (see Section 9: Homeworking).

As an organisation, the Council recognises the benefits of flexible working for both individuals and the organisation. In agreement with their line manager to ensure there is effective service provision in place, staff have the flexibility to work their contractual hours over the calendar month.

It also allows employees to work a full-time week in fewer days than normal; for example, working 35 hours in the space of four days, followed by a three-day weekend; or by working a nine-day fortnight; or by having each Wednesday afternoon off.

This provides staff with the ability to balance their work and home-life commitments.

**Example One**

Fiona works full-time and has a child at primary school who participates in a sporting activity every second Wednesday. In agreement with her line manager Fiona has the following working pattern:

**Week 1**

| <b>Monday home-working</b>         | <b>Tuesday home-working</b>     | <b>Wednesday in the office</b> | <b>Thursday in the office</b> | <b>Friday home-working</b>                |
|------------------------------------|---------------------------------|--------------------------------|-------------------------------|---|
| Start 9.15am                       | Start 9.15am                    | Start 9.15am                   | Start 9am                     | Start 9.15am                              |
| Lunch 12.15pm to 12.45pm           | Lunch 12.15pm to 12.45pm        | Lunch 12.15pm to 12.45pm       | Lunch 12.15pm to 12.45pm      | School pick up and lunch 12noon to 1.45pm |
| School pick up 2.45pm to 3.30pm    | School pick up 2.45pm to 3.30pm |                                |                               |   |
| Start 3.30pm                       | Start 3.30pm                    |                                |                               | Start 1.45 pm                             |
| Finish 5.30pm                      | Finish 5.30pm                   | Finish 5.30pm                  | Finish 5.30pm                 | Finish 5pm                                |
| Total seven hours                  | Total seven hours               | Total 7 hours 45mins           | Total eight hours             | Total 5 hours 45 minutes                  |
| Weekly hours – 35 hours 30 minutes |                                 |                                |                               |   |

**Week 2**

| <b>Monday home-working</b>      | <b>Tuesday home-working</b>     | <b>Wednesday home working</b>     | <b>Thursday in the office</b> | <b>Friday home-working</b>                |
|---------------------------------|---------------------------------|-----------------------------------|-------------------------------|---|
| Start 9.15am                    | Start 9.15am                    | Start 9am                         | Start 9am                     | Start 9am                                 |
| Lunch 12.15pm to 12.45pm        | Lunch 12.15pm to 12.45pm        | Lunch 12.15pm to 12.45pm          | Lunch 12.15pm to 12.45pm      |   |
| School pick up 2.45pm to 3.30pm | School pick up 2.45pm to 3.30pm | Break to attend sporting activity |                               | School pick up and lunch 12noon to 1.30pm |

|                                    |                      |                         |                      |                             |
|------------------------------------|----------------------|-------------------------|----------------------|-----------------------------|
|                                    |                      | 2.45pm to<br>4.45pm     |                      |                             |
| Start 3.30pm                       | Start 3.30pm         |                         |                      | Start 1.30 pm               |
| Finish<br>5.30pm                   | Finish<br>5.30pm     |                         | Finish<br>5.30pm     | Finish<br>5,45pm            |
| Total seven<br>hours               | Total seven<br>hours | Total 5 hours<br>15mins | Total eight<br>hours | Total 7 hours<br>15 minutes |
| Weekly hours – 35 hours 30 minutes |                      |                         |                      |                             |

### Example Two

Stuart works 28 hours per week over four days but has internet challenges on his home broadband and is able to work flexibly to deliver his work output and provide out of hours cover.

Weekly working pattern

| <b>Monday<br/>home-<br/>working</b> | <b>Tuesday<br/>home-<br/>working</b> | <b>Wednesday<br/>Non –work<br/>Day</b> | <b>Thursday in<br/>the office</b> | <b>Friday<br/>home-<br/>working</b> |
|-------------------------------------|--------------------------------------|--|-----------------------------------|-------------------------------------|
| Start 10am                          | Start 10am                           |  | Start 9:15am                      | Start 10am                          |
| Not working<br>1pm to 5pm           | Not working<br>1pm to 5pm            |  | Lunch<br>12.15pm to<br>12.45pm    | Not working<br>1pm to 5pm           |
|                                     |                                      |  |                                   |                                     |
| Start 5pm                           | Start 5pm                            |  |                                   | Start 5pm                           |
| Finish 9pm                          | Finish 9pm                           |  | Finish<br>5.15pm                  | Finish 9pm                          |
| Total seven<br>hours                | Total seven<br>hours                 |  | Total seven<br>hours              | Total seven<br>hours                |
| Weekly hours – 28 hours             |                                      |  |                                   |                                     |

### Health Implications

In order to protect the health and well-being of employees, the Working Time Regulations restrict the number of hours that employees can work per day and state minimum periods of rest overnight. Confidential advice is available to employees from the HR Case Management Team. Line managers who have received an application for compressed hours, may wish to discuss any implications with the HR Case Management Team before reaching a decision.

Even where the Working Time Regulations are being met, managers have a responsibility for ensuring that working patterns are not overly onerous for employees. Should they believe that employees' health or performance is being adversely affected, they can, after consultation with employees and due consideration, recommend an alternative. An occupational health referral may be required.

## **6 PART-TIME WORK**

Any consideration of part-time work by employees and managers as a flexible working pattern must be given in the context of this policy and the Council's terms and conditions of employment.

### **Principles of part-time work**

Part-time work is a contractual arrangement where employees work fewer than full-time hours. It is particularly useful in areas where there is either insufficient work for a full-time post or where there is a greater need for employees at particular times or days of the week than at others.

For employees, it is useful where they are not able to work all day for five days per week, for a variety of reasons, for example returning from maternity/paternity/adoption leave.

All employees at the Council are eligible to apply either for part-time work or to vary their part-time hours by using the form at [Appendix 4](#).

Employees who wish to return to work after maternity leave on a part-time basis, need to give their manager at least 8 weeks' written notice (28 days for teachers) of their request prior to their return to work date. If the job is unsuitable for part-time working, the manager will check the availability of other part-time posts in the Council for which the employees can apply.

Legislation gives part-time employees the right to be treated the same as their full-time colleagues, for example in being given access to a wide range of pro rata benefits, such as pay, annual leave, public holidays, sick pay, pension, maternity/parental leave.

Part - time employees may work more than their contractual hours when this has been agreed in advance with their line manager.

Overtime payments are made in accordance with the Council's normal practice: i.e. the employee must work in excess of the agreed full time working week before overtime rates apply.

Part-time work and job-share work are key ways of achieving work life balance and of attracting a range of new employees who would not otherwise be able to work. All vacant posts will therefore be reviewed to see whether they are suitable for part-time or job-share working with a view to increasing the opportunities within the Council.

### **Implications of part-time work**

Care needs to be taken that part-time employees are fully included in all necessary communications and learning activities. In order for employees to be able to contribute fully, managers should arrange their team meetings at

convenient times as far as possible, with a formal arrangement for keeping them up-to-date on occasions where attendance is not possible. The same applies to performance management, personal development plans and access to learning activities.

Employees on part-time contracts should take a proactive approach to communications and ensure, as far as possible, that they seek out the information they need and book meetings in advance with the people they need to interact with, including their line manager.

## 7

### **JOB-SHARE**

Any consideration of job-share work by employees and managers as a flexible working pattern must be given in the context of this Policy.

#### **Principles of job-share work**

Job sharing will be considered for any full time post unless it is deemed unsuitable for sharing by the relevant Director, in conjunction with the Director People Performance and Change (or their representative).

Job-share work is a contractual arrangement where two employees split a full-time job between them, each working fewer than full-time hours. The two employees do not need to work equal hours but they will normally cover the whole working week, sometimes with a short overlap for a hand-over.

Employees are eligible to either apply for job-share posts, to convert their current post into job-share, or to vary their job-share hours by using the form at [Appendix 5](#).

Employees working on job-share contracts are entitled to pay and benefits on a pro-rata, basis as with part-time employees. The grade for the post is the same for each job-share partner. The salary and annual leave entitlements, however, are determined on an individual basis, taking into account such factors as length of service and incremental dates.

The Pension Scheme, and allowances such as Maternity, Sickness etc. apply as per conditions of service.

Job sharers are paid pro-rata to the number of hours worked. Overtime payments are made in accordance with the Council's normal practice: i.e. each job sharer must work in excess of the agreed full time working week before overtime rates apply.

Payment for night working and standby working, shall be made to a job sharer whose working arrangements qualify for payment as per conditions of service.

The working week can be divided to suit the needs of the two employees and the Department, for example by working Monday to Wednesday and Wednesday to Friday, or by working mornings only and afternoons only.

The two employees can split the job description into two equal parts or can each take a lead role in particular parts of the job description, as long as the grade is not affected.

Job share partners shall have their annual leave entitlement as per conditions of service, pro rata to the number of hours worked. Each receives Public and Fixed Holiday entitlement pro rata for the number of hours worked. Time off for Public and Fixed Holidays shall be split equally between sharers. In order that this be done fairly each year the number of Public and fixed Holidays allowed should be added onto annual leave entitlement and leave deducted to cover any Public or Fixed Holidays which arise when the employee is due to work.

The job-share partners arrange their annual leave, public holidays etc. so that, wherever possible, one partner is at work while the other is away. Job share partners may be required to cover for each other during planned absences and this will be discussed and agreed at the outset by the line manager if it is a requirement.

Part-time work ([Section 7](#)) and job-share ([Section 8](#)) work are key ways of achieving work life balance and of attracting a range of new employees who would otherwise not be able to work. All vacant posts will therefore be reviewed to see whether they are suitable for part-time or job-share working with a view to increasing the opportunities within the Council.

Job-share can only be approved where two suitable job-share partners can be appointed.

Employees can apply for posts on their own or as job-share partners. During a recruitment and selection process, both partners must be considered suitable for the post.

Employees can also apply for their own job to be converted into a job-share position either on their own or with a proposed job-share partner, who would need to undergo normal selection procedures. If the request to convert a job into job-share is not accepted, reasons will be given in writing by the manager.

Employees who wish to return to work after maternity leave on a job-share basis, need to give their manager at least 8 weeks' written notice (28 days for teachers) of their request prior to their return to work date. If the job is unsuitable for job-share, the manager will check the availability of other job-share or part-time posts in the Council for which the employee can apply.

#### **Procedure**

Please note that any reference to Director or Director People Performance and Change should be taken to include "or their representative".

An individual wishing to apply for job sharing should complete the job share form ([Appendix 5](#)) and submit it to their Director or return it with their application as appropriate.

The job share will then be discussed between the Director and the Director People Performance and Change to decide whether the post is suitable for sharing and the application will be responded to accordingly giving reasons if the post is not considered suitable. Please note that there is no appeal against this decision.



Where the job share is feasible the Director (or representative) will then set up a meeting to discuss allocation of hours/workload etc., and look at the practicalities of the particular case.

The final decision on the job share and how it would operate will be made and will be communicated to the Director People Performance and Change. An advert can then be published for the recruiting of the other job sharer where appropriate. Should the individual withdraw their job share application after this stage they may be liable for costs incurred (see below).

#### **Recruiting the other job sharer**

Where only one applicant/employee has indicated that they would like to be considered for job sharing and cannot identify another sharer, the remaining hours will be advertised as appropriate. Should a suitable candidate not be found the job share will not take place. (In this case the application for job share may be resubmitted after three months).

On the date that the applicant for the vacant hours is offered and accepts their new appointment, the full time employee who submitted the original job share application will be deemed to have given notice to leave their full time post in order to commence their new job share post.

The applicant's transfer will take effect when the replacement candidate takes up post (or earlier as determined by the Director) and they will be issued with an appropriate contract of employment, maintaining any period of continuous employment.

Job sharing is dependent on two suitable individuals making up one full-time post. Should one sharer resign the full-time post will be offered in the first instance to the remaining sharer. Should they not wish to work full-time the vacant hours will be advertised in the normal way in order to attract a suitable new sharer. Should this not be possible the post will revert to full-time and every attempt will be made to redeploy the remaining sharer in an alternative post. In the last resort it may be necessary to terminate the remaining job share contract and in this event the provisions of the Employment Rights Act 1996 will apply. Employees should note that this would not be a redundancy situation.

#### **Withdrawal of job share application**

If the individual wishes to withdraw their Job Share Application they should inform their Director as soon as possible in order to prevent any further unnecessary costs being incurred. If the application is withdrawn after any costs/outlays (e.g. advertising, recruitment administration costs) have been incurred by the Council, the individual will be liable for these costs/outlays.

If however there are extenuating circumstances (e.g. redundancy of partner) which have made it very difficult for the individual to continue with their Job Share application, their individual circumstances shall be considered by the Director in conjunction with the Director People Performance and Change, who may decide that no claim will be pursued.

#### **Leaving the job share post**

If the individual fails to remain in the job share post for 6 months (e.g. due to resignation, retirement or dismissal), they shall be liable for any costs/outlays incurred (as for the withdrawal of an application as noted above) as follows:-

- a) the whole of the sum due if leaving within 3 months
- b) a proportionate part thereof, namely the whole less 1/3 for each completed month of service over 3 months, up to 6 months.

Note: if the individual's contract is terminated by reason of redundancy there shall be no liability.

#### **Implications of job-share work**

As with other part-time employees, care needs to be taken that job-share employees are fully included in all necessary communications and learning activities. In order for employees to be able to contribute fully, team meetings should be arranged at convenient times as far as possible, with a formal arrangement for keeping them up-to-date on occasions where attendance is not possible. The same applies to performance management, personal development plans and access to learning activities.

Consideration should be given to the possibility that the way the role is carried out may change when moving from full time to job share partners. There may not be discrete areas of work for each job share partner depending on the role.

In order to maintain continuity during the week, the job-share partners must communicate effectively with each other and establish a robust system for doing so.

#### **General**

Should you have any queries contact the Human Resources Case Management Team telephone 01835 825015 or skype: askhr / [askhr.scotborders.gov.uk](mailto:askhr.scotborders.gov.uk) for guidance.

## **8 HOMEWORKING**

### **Principles of Home Working**

Employees may work from home as agreed with their line manager where it meets the needs of the service. This may also come about through a Blended working application (see Section 5).

While an agreement may be made for home working, for example, one day per week, this is subject to work commitments.

Before agreeing that an employee can work from home the manager and employee should ensure that the employee has a suitable environment for home working in that they can work without disturbance or distraction and that there is adequate security for the Council's information and property.

Employees working at home are required to carry out work duties in an undisturbed environment. Any domestic arrangements such as childcare/carer arrangements must remain in place throughout the employee's hours of work.

Any request to formalise home working arrangements should be made by the employee making a request to change their working pattern (See Section 4.1 and Appendix 4).

The Council is responsible for any equipment provided by them. The employee is responsible for ensuring that the premises and any other equipment used meet health and safety requirements.

All homeworkers are required to complete a Homeworkers' DSE Assessment as per the corporate Display Screen Equipment policy. The Lexi DSE Module gives helpful guides and suggestions on equipment set up as the users progress through the assessment. There are also additional modules accessible through SBLearn.

### **Security and Data Protection**

Employees working at home are responsible for ensuring all Council equipment is kept safe and secure from access by others. This should be done in accordance with the Council's Information Security Policy.

Employees are responsible for ensuring all Council information, whether on paper or computer file, remains confidential and is kept secure from access by others. A data backup procedure must take place in accordance with the Council's Information Security Policy.

Employees are required to adhere to the requirements of data protection legislation and ensure confidential files and sensitive information which are no longer required are destroyed appropriately through confidential waste.

## **9**

### **RETIREMENT**

Any consideration of phased/flexible retirement by employees and the Council as a flexible working pattern must be given in the context of this Policy.

The proposed phased/ flexible retirement arrangement must also be in alignment with the business needs of the Department.

All applications for phased/ flexible retirement require to be supported by the relevant Director and approved by the Director People Performance and Change (or their representative).

Employees who are working under a phased/ flexible retirement arrangement are ineligible for any other form of exit arrangement which has a financial cost, such as Early Retirement/ Voluntary Severance or redundancy.

A phased/ flexible retirement arrangement can only be considered when the employee has confirmed an intended retirement date.

#### **Principles of Phased Retirement**

The purpose of phased retirement is to enable employees to make a smooth transition from work to leisure by allowing employees to reduce their working hours in the last month before retirement whilst continuing to receive full basic pay.

#### **Example**

|  |                        |
|--|------------------------|
| 4 <sup>th</sup> week before retirement | 4 days worked per week |
| 3 <sup>rd</sup> week before retirement | 3 days worked per week |
| 2 <sup>nd</sup> week before retirement | 2 days worked per week |
| 1 <sup>st</sup> week before retirement | 1 day worked per week  |

All employees are eligible to apply as long as they are approaching retirement age. Employees should complete the application form at [Appendix 6](#) and arrange to meet with their line manager at least 6 months before retirement age to discuss this.

Employees can only be approved for phased retirement if they will have no annual leave accrued but not yet taken on the date when they start phased retirement.

If the application is approved by the line manager, they should complete Part B of the form and pass to their Director for consideration. They should also complete a Leavers' Form and attach that to the application.

If the Director approves the application, they should sign the form, including completion of a business case, and pass to the Director People Performance and Change.

The decision of the Director People Performance and Change (or their representative) is final.

HR Shared Services will advise the line manager of the outcome of the application. They will also confirm in writing to the employee their leaving date.

#### **Flexible Retirement**

The Local Government Pension Scheme (LGPS) operates a flexible retirement option for its members. If you reduce your hours or move to a less senior position at or after age 55 you can, provided your employer agrees, draw the pension benefits you have already built up – helping you ease into retirement - although your benefits may be reduced for early payment.

If you would like more details of flexible retirement, or a quotation in respect of your pension benefits you can contact the HR Shared Services Pensions Team on:

HR Shared Services, Pensions Team, Old School Building, Newtown St Boswells, Melrose, TD6 0SA. Tel: 01835 825205 or 01835 826577/ e-mail: [pensions@scotborders.gov.uk](mailto:pensions@scotborders.gov.uk) or complete the form at [Appendix 8](#).

Employees who wish a flexible retirement arrangement should complete Part A of the form at [Appendix 7](#).

The employee must state their intended retirement date which must not be more than 3 years from the start of the flexible retirement arrangement.

The proposed flexible retirement arrangement must also include a reduction in working hours of at least 20%, or a reduction in grade by at least one grade.

The employee should then discuss this with their line manager at least 4 months prior to the proposed start of the arrangement.

If the application is approved by the line manager, they should complete Part B of the form, including completion of a business case, and pass to their Director for consideration.

If the Director approves the application, they should sign the form and pass to the Director People Performance and Change for consideration.

The decision of the Director People Performance and Change (or their representative) is final.

A request for Flexible Requirement constitutes formal notice of your intention to retire on the date stated in your application.

If the application is accepted by the Council, there is a binding agreement between you and the Council that you will retire on that date and your employment with the Council will end.

HR Shared Services will advise the line manager of the outcome of the application, and they will write to the employee confirming the new employment details.

In exceptional circumstances only, for example a substantial change in personal circumstances, an application can be made by an employee to postpone their retirement date.

Any such application must be made in writing to the Director and this must be approved by them and the Director People Performance and Change, whose decision (or the decision of their representative) on whether to grant the application is final.

**Wind Down/Phased Retirement – Teachers only**

The Flexible Retirement policy is not available to teachers, but the Scottish Public Pensions Agency (SPPA) operate a Wind Down/ Phased Retirement scheme. The SPPA determines eligibility.

For details please contact SPPA at [www.sppa.gov.uk](http://www.sppa.gov.uk).

APPENDIX 1

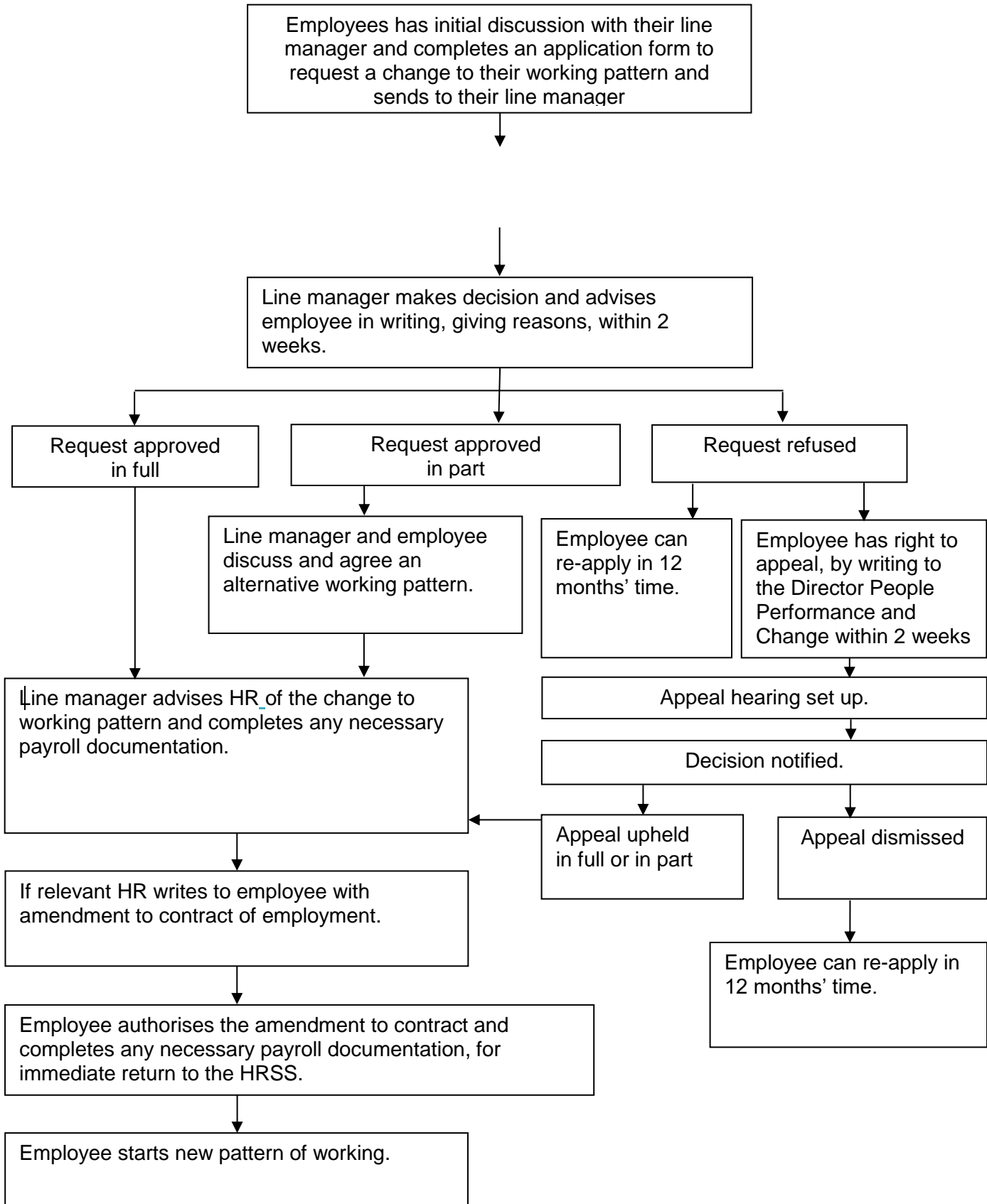
**GLOSSARY OF FLEXIBLE WORKING PRACTICES**

|  |  |
|--|--|
|  | <p><b>Annualised hours</b><br/>This is a means of contracting employees to work a specific number of hours in the year but at varying times during the year, for example to cater for seasonal fluctuations. Employees' salaries do not fluctuate, however, and they receive the same salary each month.</p>   |
|  | <p><b>Blended Working</b><br/>This relates to location of work and is normally a combination of working from home and on occasion working from an SBC property.</p>  |
|  | <p><b>Flexible Working Patterns</b><br/>A system where employees work flexibly, at times agreed with their manager which may differ from the traditional working hours. For example employees work a full-time week in fewer days than normal, followed by a greater number of days off. Example: working 35 hours in the space of four days, followed by a three day weekend.</p>                             |
|  | <p><b>Flexible rostering and self-rostering</b><br/>This usually applies to shift work, where periods of different length are worked within an agreed overall period and employees can state their preference to work particular shifts.</p>   |
|  | <p><b>Home working</b><br/>This involves employees undertaking their job from home on occasions.</p>   |
|  | <p><b>Job-share</b><br/>This is where a full-time job is divided into two (not necessarily equal-sized) parts. The two employees usually cover the full working week between them, sometimes with a period of overlap. For example, Job 1 covers Monday, Tuesday and Wednesday, while Job 2 covers Wednesday afternoon, Thursday and Friday. They are often contracted to cover each other's annual leave.</p> |
|  | <p><b>Part-time</b><br/>A part-time contract is where employees work fewer than full-time hours per week, at set times and on set days.</p>  |
|  | <p><b>Phased retirement</b><br/>This is where employees can agree a planned reduction in working hours in the last month before retirement.</p>  |
|  | <p><b>Flexible retirement</b><br/>Employee can reduce hours/ grade and salary whilst receiving LGPS pension benefits for a period of up to 3 years prior to retirement.</p>  |

|  |   |
|--|---|
|  | <p><b>Wind Down (Teachers)</b><br/>Eligible teachers can reduce working hours whilst protecting their overall final pension.</p>  |
|  | <p><b>Seasonal work</b><br/>This is work which becomes available at particular times of the year in response to peak activity. Such work is usually available on fixed-term contracts of no more than a few months in length.</p>   |
|  | <p><b>Shifts</b><br/>Where the organisation needs to operate for longer than the standard working day, a pattern of shifts is often used. They involve working a specific number of hours at set times, usually overlapping with employees on the next shift e.g. 8am – 2pm, 1pm – 9pm.</p> |
|  | <p><b>Temporary / fixed-term contracts</b><br/>These are contracts which specify the date on which the employee’s contract will end and are usually used to cover temporary work.</p>   |
|  | <p><b>Term-time work or school time work</b><br/>Employees work during the school term and/or work school but not during school holidays, when they take unpaid leave.</p>  |

**APPENDIX 2**

**FLOWCHART FOR APPLYING FOR FLEXIBLE WORKING PRACTICES**





## APPENDIX 3

### GUIDANCE FOR MANAGERS

#### MANAGING FLEXIBLE WORKING PRACTICES

##### Principles:

It should be recognised that not all employees are able to use Flexible Working arrangements.

##### Benefits to line managers of flexible working practices

Operating flexible working practices within a team can be complex initially but this should be replaced by benefits such as:

- greater motivation and commitment of employees
- retention of experienced and skilled employees
- greater team working
- less dependency on the line manager for direction
- greater initiative and problem-solving by employees
- more forward planning and less day to day reactive work
- the opportunity to manage rather than control
- the opportunity to develop high quality management skills.

##### Managing flexible working patterns

Managers can manage effectively with flexible working practices if they adopt the following approaches:

1. Plan ahead:
  - Through the performance management system, use objective setting, target setting and performance review to set expectations for employees on what to deliver, to what standard, and by when. This will enable managers to reduce time spent on daily work allocation, close supervision, and work control. It will also help identify fluctuations in workload and so enable employees to plan their work life balance, and be more in control of their work.
2. Delegate to employees and empower them to deliver:
  - Hold regular coaching sessions. This can enable employees to understand wider issues, and so lead to employees resolving more work issues themselves and taking competent decisions in a number of areas that the line manager may previously have taken. This can give managers confidence to trust employees with whole blocks of work. It also creates greater job satisfaction for employees.

3. Foster a learning culture:
  - Hold regular team meetings and one to one meetings for sharing information and learning from experience. Line managers should resist attributing blame or taking control when errors are made but, instead, facilitate discussion, develop the problem-solving skills of the team, ensure that positive learning takes place and maintain the team's confidence.
4. Involve the team:
  - As teams may move to partially or even fully remote contexts, communications will be important to make sure the Council is reaching each individual employee. As part of the digital strategy, work is underway to invest more in technology to ensure that teams are able to collaborate effectively and stay connected wherever they are working from.
  - Video calls among groups of colleagues can leave remote workers feeling left out and disconnected — especially if the majority of the meeting attendees are in the same physical space.
  - SBC policy therefore is that all meeting attendees dial in separately if any remote colleagues are joining the call. This helps ensure that all participants have an equal experience in meetings.
  - SBC policy requires all employees' outlook calendars' to be open and accessible.
  - At team meetings, discuss any issues about flexibility and work allocation openly and encourage the team to identify issues and solutions. This could include debate about:
    - the level of employee cover and skill mix needed at any time
    - how to communicate with each other when remote from the workplace
    - how to take account of personal circumstances
    - how to ensure that one person's flexibility does not create personal difficulties for someone else.
5. Focus on delivery of results:
  - When all employees are at the office every day, managers are reassured that the work is being done because they can see it taking place. Flexible working practices require a greater focus on the delivery of results – regardless of where the work is being undertaken.
6. Manage your manager:
  - Line managers are subject to demands from their employees and from their own managers. The policy on flexible working practices applies to all

employees in the Council and managers have a right to achieve a work life balance themselves. Managers can expect forward planning from their own managers, expect appropriate resources to match their work programme, and expect a reasonable workload.

7. Be a role model for work life balance:
  - In general, employees will not feel able to work reasonable hours if they see their managers allowing meetings to over-run at the end of the day, regularly working long hours, taking work home, sending emails late at night and being contactable on days off. Achieving a work life balance can be a challenge and managers have a responsibility for setting a good example for employees and for sharing the challenge with them.
8. Provide the right support for employees:
  - Line managers should understand the pressures on their individual employees at work and at home and understand how best to enable them to meet their targets.
  - Managers should be alert to signs of stress and regularly check that individuals and the team have the support they need, whether through knowledge, skills or experience.
  - Encouraging regular feedback at team meetings and responding constructively is key to achieving highly effective employee management and workforce planning.
9. Access the support available:
  - In the early stages, managers across the organisation may go through a learning curve on flexible working practices. The HR Case Management Team is available to provide advice to line managers on good practice and on decisions about specific requests for flexible working, so managers should access this resource whenever support is needed.

## APPENDIX 4

**SCOTTISH BORDERS COUNCIL****FLEXIBLE WORKING PRACTICES****APPLICATION FOR FLEXIBLE WORKING – CHANGE TO NO. OF HOURS WORKED  
PART ONE****1. Personal details**

Name: ..... Grade: .....

Job title: .....

Base: .....

Date of last application for flexible working practices: .....

*I have read and understood the Flexible Working Practices Policy and Procedures and I have more than 26 weeks' service with Scottish Borders Council. I confirm the details in this form are correct.*

Signed: ..... Date: .....

**2. Current working pattern**

Describe your current working pattern (e.g. full time, part time, job share) :

.....

Give the days, hours, times worked:.....

.....

**3. Future working pattern**

Describe the working pattern you would like to work in future:

.....

.....

Give the days, hours, times you would prefer to work:.....

.....

Name your preferred work base: .....

Give the date you would like the working pattern to commence: .....

#### 4. Impact of the new working pattern

Give details of the impact that this change in working pattern may have on the following –

Your work.....

.....

.....

.....

Your team .....

.....

.....

.....

The wider workplace.....

.....

.....

.....

Others.....

.....

.....

#### 5. Accommodating the new working pattern

Using your answer to 4, give your suggestions for how any potential problems could best be resolved –

***Once completed, send to your line manager***

**PART TWO**

To be completed by the immediate line manager, following discussion with the employee.

|   |  |
|---|--|
| <b>1 Line manager's details</b>   |  |
| <b>Name</b>   |  |
| <b>Job title</b>  |  |
| <b>Department / Location</b>  |  |
| <b>2 Proposal justification</b>   |  |
| Explain why you feel the application should/should not be approved.   |  |
| <b>3 Proposal limitations</b>   |  |
| Highlight any agreed factors relating to the approval i.e. timescales, feedback, resources.                                     |  |
| <b>5 Budgetary implications</b>   |  |
| Outline any costing implications for Scottish Borders Council as a result of the proposal. Include specific resources required. |  |
| <b>6 Any other comments</b>   |  |
|   |  |

|                                  |  |
|----------------------------------|--|
|                                  |  |
| <b>Signature of line manager</b> |  |
| <b>Date</b>                      |  |

***If approved, send both parts of the completed form to your employee and to  
HR Shared Services***

***If not approved, advise your employee in writing within 2 weeks of the reasons for the  
refusal and their right to appeal to the Director People Performance and Change  
within a further 2 weeks.***

**APPENDIX 5****SCOTTISH BORDERS COUNCIL****JOB SHARE APPLICATION**

It is important that you read the Job Sharing Scheme Information (Section 8 of this Policy) and the additional information overleaf before submitting.

**POST TO BE SHARED:** \_\_\_\_\_

Service: \_\_\_\_\_ Location: \_\_\_\_\_

**DETAILS OF APPLICANT**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Work Telephone No.: \_\_\_\_\_

Grade: \_\_\_\_\_ Employee No.: \_\_\_\_\_

**DETAILS OF OTHER JOB SHARER** (if available)

Name: \_\_\_\_\_ Department: \_\_\_\_\_

(This person must also complete and submit a Job Share Application form.)

**DETAILS OF JOB SHARE**

| <b>Proposed days</b> | <b>Proposed times</b> | <b>Days/Times unable to work</b> |
|----------------------|-----------------------|----------------------------------|
| Monday               |                       |                                  |
| Tuesday              |                       |                                  |
| Wednesday            |                       |                                  |
| Thursday             |                       |                                  |
| Friday               |                       |                                  |
| Saturday             |                       |                                  |
| Sunday               |                       |                                  |

Please note that the total hours of the job sharers **must** equal one full time post.



### **ANY OTHER RELEVANT DETAILS**

You must sign and date the form overleaf should you wish to make an application for Job Sharing. Then return the completed application to your Director with the attached sheet for their comments.

#### **Mandate**

I authorise and empower the Council, should I withdraw my application for Job Share or fail to remain in the Job Share post for 6 months, to recover by deduction from any salary, wages or other monies which may be due to me from the Council, any sum payable by me as reimbursement of costs incurred by the Council as a result of the application (such as advertising, recruitment and administration costs) as calculated by the following formula:

- a) the whole of the sum due if I withdraw the application or leave within 3 months of the arrangement taking effect;
- b) a proportionate part thereof, namely the whole less  $\frac{1}{3}$  for each completed month of service over 3 months, up to 6 months.

Signature\_\_\_\_\_ Date\_\_\_\_\_

Should you have any queries please contact Human Resources Case Management Team telephone 01835 825015/ skype: askhr or [askhr.scotborders.gov.uk](mailto:askhr.scotborders.gov.uk).

**SCOTTISH BORDERS COUNCIL****JOB SHARE APPLICATION –DIRECTOR’S COMMENTS**

Post to be shared: \_\_\_\_\_

Department: \_\_\_\_\_ Location: \_\_\_\_\_

Applicant's names: 1. \_\_\_\_\_

2. \_\_\_\_\_

Please give your comments on

- i) the suitability of the post for job sharing
- ii) the feasibility of the arrangements proposed by the applicants
- iii) any other relevant comments.

\* I do/do not support this application for job share.  
(Please delete as appropriate)

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Director**DIRECTOR PEOPLE PERFORMANCE AND CHANGE COMMENTS**

\* I do/do not support this application for job share.  
(Please delete as appropriate)

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Director People Performance and Change

**SCOTTISH BORDERS COUNCIL**

**APPLICATION FOR PHASED RETIREMENT**

**Part A – Employee Details** (To be completed by the employee)

Please complete all boxes.

|  |  |                      |  |
|--|--|----------------------|--|
| <b>Name</b>  |  |                      |  |
| <b>Home Address</b>  |  |                      |  |
| <b>Postcode</b>  |  |                      |  |
| <b>Telephone Number</b>  |  |                      |  |
| <b>Email Address</b> (that you want us to use to contact you)  |  |                      |  |
| <b>Job Title</b>   |  | <b>Employee No</b>   |  |
| <b>Service</b>   |  | <b>Section</b>       |  |
| <b>NI Number</b>   |  | <b>Date of Birth</b> |  |
| <b>Date you would like to begin Phased Retirement</b>  |  |                      |  |
| <b>Date of intended Retirement</b> (this must be 1 month or less from the proposed start of phased retirement) |  |                      |  |

**Phased Retirement Proposal**

Please use the boxes below to provide any information you feel is relevant to support your application, including any extenuating personal circumstances (please continue on a separate sheet if necessary).

(Please note Phased Retirement is not available if you are already on Flexible Retirement.)

|  |   |       |  |      |  |
|--|---|-------|--|------|--|
| • I wish to apply for Phased retirement on the basis of reducing my hours of work. |   |       |  |      |  |
| • I will not have any annual leave to take when I commence phased retirement.      |   |       |  |      |  |
| • My current weekly hours of work are:   | <table border="1"> <tr> <td>Hours</td> <td></td> <td>Mins</td> <td></td> </tr> </table> | Hours |  | Mins |  |
| Hours  |   | Mins  |  |      |  |

|   |       |  |      |  |
|---|-------|--|------|--|
| <ul style="list-style-type: none"> <li>• Week 4 I request to reduce my weekly hours of work to</li> <li>• Week 3: I request to reduce my weekly hours of work to:</li> <li>• Week 2 (if applicable) I request to reduce my weekly hours of work to:</li> <li>• Last week (if applicable) I request to reduce my weekly hours of work to:</li> </ul> | Hours |  | Mins |  |
|   | Hours |  | Mins |  |
|   | Hours |  | Mins |  |
|   | Hours |  | Mins |  |

If you have a preferred working pattern please enter the details below:

| DAYS      | HOURS | TIMES WORKED |
|-----------|-------|--------------|
| Monday    |       |              |
| Tuesday   |       |              |
| Wednesday |       |              |
| Thursday  |       |              |
| Friday    |       |              |
| Saturday  |       |              |
| Sunday    |       |              |

**Signed** .....

**Date** .....

**Now pass this form to your Line Manager and arrange to meet them**

**Part B** – To be completed by the line manager receiving the application form

|  |                                    |
|--|------------------------------------|
| <b>Date application received from employee</b>   |                                    |
| <b>Date receipt of application acknowledged to employee</b>  |                                    |
| <b>Have you discussed this with the employee?</b>  | Yes / No * (Delete as appropriate) |
| <b>Will the employee have any annual leave accrued but untaken on the proposed start date of phased retirement?<br/>(If “Yes” the application cannot be approved.)</b> | Yes / No * (Delete as appropriate) |
| <b>Do you support the application?</b>   | Yes / No * (Delete as appropriate) |

**Business Case**

Please provide as much information as you can in the boxes below, expanding them as required. Please ensure you complete this section in full before forwarding the form.

**Costs and Savings**

Please provide details of any costs and/ or savings associated with the flexible retirement application.

|  |                                    |
|--|------------------------------------|
| <b>Do you intend to backfill the hours/post vacated by the employee?</b> | Yes / No * (Delete as appropriate) |
| <b>If yes, please provide details:</b>                                   |                                    |

|   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• <b>Grade &amp; scale point of replacement (on appointment)</b></li> <li>• <b>Contracted hours per week</b></li> <li>• <b>Contracted weeks per year</b></li> <li>• <b>Delay in recruitment (weeks)</b></li> </ul> |  |
|---|--|

|   |  |
|---|--|
| <b>Anticipated Costs</b> (non-salary related) – please provide full details   |  |
| <b>Anticipated Savings</b> (non-salary related) – please provide full details |  |

**Non-financial Considerations**

|  |  |
|--|--|
| <b>Anticipated Benefits</b> – please summarise any perceived benefits if the phased retirement proceeds            |  |
| <b>Anticipated Drawbacks</b> – please summarise any perceived issues / drawbacks if the phased retirement proceeds |  |

|                                  |  |
|----------------------------------|--|
| <b>Reasons for your decision</b> |  |
|----------------------------------|--|

**Manager's Details**

|                                 |  |
|---------------------------------|--|
| <b>Name</b>                     |  |
| <b>Designation</b>              |  |
| <b>E-mail address</b>           |  |
| <b>Contact telephone number</b> |  |

**Signed** .....

**Date** .....

If you support the application, please pass to Director to complete Part C.

Please also complete a Leavers' Form and send that with this application.

**Part C – To be completed by Director**

If you support the proposal please sign and pass to the Director People Performance and Change for consideration.

| <b>Director</b>   |       |
|---|-------|
| <b>I confirm my support for the above proposal / do not support this proposal</b><br><i>(delete as appropriate)</i> |       |
| Name (please PRINT):  |       |
| Signature:  | Date: |

**Part D – To be completed by Director People Performance and Change**

| <b>Director People Performance and Change</b>   |       |
|---|-------|
| <b>I confirm my support for the above proposal / do not support this proposal</b><br><i>(delete as appropriate)</i> |       |
| Name (please PRINT):  |       |
| Signature:  | Date: |

**Part E – To be completed by HRSS Team Leader or HRSS Specialist (HR)**

| <b>HRSS</b>                                |       |
|--|-------|
| <b>Form returned to Line Manager Date:</b> |       |
| <b>Leavers form attached: Yes/No</b>       |       |
| Name (please PRINT):                       |       |
| Signature:                                 | Date: |

**APPENDIX 7**

**SCOTTISH BORDERS COUNCIL**

**Application for Flexible Retirement**

(Please note Flexible Retirement is not available if you are already on Phased Retirement.)

**Part A – Employee Details** (To be completed by the employee)

Please complete all boxes.

|   |  |
|---|--|
| <b>Name</b>   |  |
| <b>Home Address</b>   |  |
| <b>Postcode</b>   |  |
| <b>Telephone Number</b>                                       |  |
| <b>Email Address</b> (that you want us to use to contact you) |  |

|                  |  |                    |  |
|------------------|--|--------------------|--|
| <b>Job Title</b> |  | <b>Employee No</b> |  |
| <b>Service</b>   |  | <b>Section</b>     |  |

|  |  |                      |  |
|--|--|----------------------|--|
| <b>NI Number</b>   |  | <b>Date of Birth</b> |  |
| <b>Date you would like to begin flexible retirement</b>  |  |                      |  |
| <b>Date of intended Retirement</b> (this must be 3 years or less from the proposed start of flexible retirement) |  |                      |  |

| <b>ELIGIBILITY AND CONDITIONS OF APPLICATION</b>  |                          |
|---|--------------------------|
| I wish to apply for flexible retirement in accordance with Regulation 29(6) of the Local Government Pension Scheme (Scotland) Regulations 2014. The conditions relating to my application are confirmed below:<br><b>(Please ✓ to confirm or provide details where appropriate)</b> |                          |
| • I am 55 years of age or over  | <input type="checkbox"/> |
| • I have 2 or more years of pension scheme membership   | <input type="checkbox"/> |
| • I understand that I require to reduce my hours of work by at least 20% or reduce my grade by at least one grade   | <input type="checkbox"/> |
| • I understand that flexible retirement involves early payment of my pension benefits which may be subject to actuarial reduction   | <input type="checkbox"/> |

- I confirm that I would like to apply for flexible retirement for a period of no less than 6 months nor more than 3 years prior to my final retirement date
- I understand that flexible retirement will constitute a permanent contractual adjustment until my final retirement date

I understand that this application is notice of my intention to retire on the Date of intended Retirement stated above. If this application is accepted by the Council there is a legally binding agreement that I will retire on that date. This date may be extended only in exceptional circumstances with the approval of the relevant Director and Director People Performance and Change.

### Flexible Retirement Proposal

Please use the boxes below to provide any information you feel is relevant to support your application, including any extenuating personal circumstances (please continue on a separate sheet if necessary).

| OPTION 1  |                      |                      |                      |      |
|---|----------------------|----------------------|----------------------|------|
| <ul style="list-style-type: none"> <li>• I wish to apply for flexible retirement on the basis of reducing my hours of work. <input style="float: right;" type="checkbox"/></li> </ul> |                      |                      |                      |      |
| <ul style="list-style-type: none"> <li>• My current weekly hours of work are:</li> </ul>  | <input type="text"/> | hours                | <input type="text"/> | mins |
| <ul style="list-style-type: none"> <li>• Year 1: I request to reduce my weekly hours of work to:</li> </ul>   | <input type="text"/> | hours                | <input type="text"/> | mins |
| <ul style="list-style-type: none"> <li>• Year 2 (if applicable) : I request to reduce my weekly hours of work to:</li> </ul>  | <input type="text"/> | hours                | <input type="text"/> | mins |
| <ul style="list-style-type: none"> <li>• Year 3 (if applicable) : I request to reduce my weekly hours of work to</li> </ul>   | <input type="text"/> | hours                | <input type="text"/> |      |
| <ul style="list-style-type: none"> <li>• If you have a preferred working pattern please enter the details below :</li> </ul>  |                      |                      |                      |      |
| DAYS  | HOURS                | TIMES WORKED         |                      |      |
| Monday  | <input type="text"/> | <input type="text"/> |                      |      |
| Tuesday   | <input type="text"/> | <input type="text"/> |                      |      |
| Wednesday   | <input type="text"/> | <input type="text"/> |                      |      |
| Thursday  | <input type="text"/> | <input type="text"/> |                      |      |



|          |  |  |
|----------|--|--|
| Friday   |  |  |
| Saturday |  |  |
| Sunday   |  |  |

|  |                          |
|--|--------------------------|
| <b>OPTION 2</b>  |                          |
| <ul style="list-style-type: none"> <li>I wish to apply for flexible retirement on the basis of reducing my salary grade and maintaining my current working hours.</li> </ul> | <input type="checkbox"/> |

|   |  |
|---|--|
| <b>What do you believe are the benefits to the Council in approving your application?</b> |  |
| <b>Is there any other information you wish to provide to support your application?</b>    |  |

Signed ..... Date .....

**Now pass this form to your Line Manager and arrange to meet them**

**Part B – To be completed by the line manager receiving the application form**

|   |                                    |
|---|------------------------------------|
| <b>Date application received from employee</b>              |                                    |
| <b>Date receipt of application acknowledged to employee</b> |                                    |
| <b>Have you discussed this with the employee?</b>           | Yes / No * (Delete as appropriate) |
| <b>Do you support the application?</b>                      | Yes / No * (Delete as appropriate) |

**Business Case**

Please provide as much information as you can in the boxes below, expanding them as required. Please ensure you complete this section in full before forwarding the form.

**Costs and Savings**

Please provide details of any costs and/ or savings associated with the flexible retirement application.

|  |                                    |
|--|------------------------------------|
| <b>Do you intend to backfill the hours/post vacated by the employee?</b> | Yes / No * (Delete as appropriate) |
| <b>If yes, please provide details:</b>                                   |                                    |

|   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• <b>Grade &amp; scale point of replacement (on appointment)</b></li> <li>• <b>Contracted hours per week</b></li> <li>• <b>Contracted weeks per year</b></li> <li>• <b>Delay in recruitment (weeks)</b></li> </ul> |  |
|---|--|

|   |  |
|---|--|
| <p><b>Anticipated Costs</b> (non-salary related) – please provide full details, including any strain on the pension fund.</p> |  |
| <p><b>Anticipated Savings</b> (non-salary related) – please provide full details</p>  |  |

**Non-financial Considerations**

|   |  |
|---|--|
| <p><b>Anticipated Benefits</b> – please summarise any perceived benefits if the flexible retirement proceeds</p>            |  |
| <p><b>Anticipated Drawbacks</b> – please summarise any perceived issues / drawbacks if the flexible retirement proceeds</p> |  |

|   |  |
|---|--|
| <p><b>Reasons for your decision</b></p> |  |
|---|--|

**Manager's Details**

|  |  |
|--|--|
| <p><b>Name</b></p>                     |  |
| <p><b>Designation</b></p>              |  |
| <p><b>E-mail address</b></p>           |  |
| <p><b>Contact Telephone number</b></p> |  |

**Signed** .....

**Date** .....

If you support the application, please pass to the Director to complete Part C.

**Part C – To be completed by the Director**

If you support the proposal please sign and pass to the Director People Performance and Change for consideration.

| <b>Director</b>   |       |
|---|-------|
| <b>I confirm my support for the above proposal / do not support this proposal</b><br><i>(delete as appropriate)</i> |       |
| Name (please PRINT):  |       |
| Signature:  | Date: |

**Part D – To be completed by Director People Performance and Change**

| <b>Director People Performance and Change</b>   |       |
|---|-------|
| <b>I confirm my support for the above proposal / do not support this proposal</b><br><i>(delete as appropriate)</i> |       |
| Name (please PRINT):  |       |
| Signature:  | Date: |

| Part E – To be completed by HRSS Team Leader or HRSS Specialist (HR) <b>HRSS</b> |                |
|--|----------------|
| <b>Line Manager notified:</b>  | <b>Yes/No</b>  |
| <b>Copy to Pensions</b>  | <b>Date:</b> P |
| <b>Passed to HRAdmin</b>   | <b>Date:</b>   |
| Name (please PRINT):   |                |
| Signature:   | Date:          |

SCOTTISH BORDERS COUNCIL

**Local Government Pension Scheme (Scotland) Regulations**

**Flexible Retirement**

Any member who has at least two years' total membership (or has brought a transfer value into the LGPS) may wish to consider the possibility of flexible retirement. Rather than continuing in their job until their Normal Pension Age and drawing their pension from then, they could from age 55, with their employer's consent, reduce their hours or move to a position on a lower grade and elect in writing (to the administering authority) to draw the pension benefits already built up, whilst receiving their pay on the reduced hours or grade.

The member can also continue paying into the LGPS to build up further benefits in the Scheme in respect of their ongoing job.

**The following points are important**

- The member must have their employer's consent to draw pension benefits under flexible retirement. In giving their consent an employer would take account of the needs of the service and any possible pension costs e.g. "strain on fund costs".
- Election to draw pension benefits must be made in writing to the administering authority.
- There must be a reduction in hours or rate of pay.
- **If the member joined the LGPS after 30 November 2006 and takes flexible retirement before their Normal Pension Age, the pension and lump sum will be reduced for early payment.**
- Any benefits paid under flexible retirement will not be subject to reduction or suspension for re-employment whilst the member continues in employment or any subsequent employment with **the employer that allowed flexible retirement.**

**Request for Further Information on Flexible Retirement**

**Personal Details**

|              |       |                 |       |
|--------------|-------|-----------------|-------|
| Name:        | _____ | Employer:       | _____ |
| Employee No: | _____ | Job:            | _____ |
| Grade:       | _____ | Contract Hours: | _____ |

I am considering applying for Flexible Retirement and would like some information about my pension before making a formal application. Please provide me with an estimate of retirement benefits assuming Flexible Retirement with effect from   /  /   (**please insert date**). I am over age 55 and I have more than 2 years' LGPS membership (or have brought a transfer into the LGPS).

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**This form should be returned to The Pensions Team, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 OSA. [pensions@scotborders.gov.uk](mailto:pensions@scotborders.gov.uk)**

### **Important Information**

**Once you have received the estimate of retirement benefits, if you wish to progress with an application you will have to complete an application form, which can be found in the Flexible Working Policy.**

You will then require to discuss this with your line manager. The application would have to be approved by your line manager, Director and the Director People Performance and Change before it is granted.

There are a number of factors to be considered before a flexible working application is granted. These include, but are not limited to:

- Any additional costs falling on the Council as a result of early payment of pension.
- Impact on ability to meet customer demand.
- Inability to reorganise work amongst existing staff.
- Impact on quality and performance of service
- Any planned structural change

Any change in your working pattern would be a permanent change to your terms and conditions of employment and you would have no right in law to revert back to your previous working pattern.

You are strongly advised to seek independent financial advice before proceeding with any such application.