

# **OWLCOTES MULTI-ACADEMY TRUST**

## **Flexible Working and Retirement Policy**



**April 2020**

**Reviewed: June 2024**

## About Owlcotes Multi-Academy Trust (OMAT)

**OMAT** is committed to the development of inclusive schools, sharing a common purpose to provide excellent education and improved outcomes for pupils.

**OMAT** strives to provide high-quality education for all children within our local communities by inspiring innovation, creativity and aspiration through an enriched curriculum.

**OMAT** is committed to the principles of co-operation, collaboration and sharing best practice with a strong focus on staff development.

**OMAT** is also committed to the preservation of the unique identity of all schools within the trust: each school will have a Local Governing Board (LGB) which is involved in decision making at school level, with autonomy to make decisions for its own school in line with the scheme of delegation.

All trustees and any schools joining must agree to share and uphold all of these principles now and in the future.

## Flexible Working and Retirement Policy and Procedure

### 1. Flexible Working Procedure

Owlcotes Multi-Academy Trust believes that its staff members are its most valuable asset and is committed to attracting and retaining the very best staff. The school is also aware that staff have other responsibilities and priorities in their lives.

The Governing Body takes seriously its statutory duty for the work-life balance of its staff and is committed to assisting staff to balance their work and home life however, the Governing Body recognises that staffing levels must at all times meet the demands of the school and the needs of its pupils. It will endeavour, therefore, to strike a balance between the needs of individuals and the needs of the school however; the priority at all times will be the effective running of the school for the benefit of the pupils.

The Headteacher has delegated powers for granting flexible working as outlined in this document.

#### **Flexible Working Regulations 2014: Right to Request Flexible Working**

The flexible working regulations 2014 (FWR 2014), issued under the Employment Rights Act 1996 (ERA 1996) allow any employee to make an application for flexible working, provided that they have a minimum of 26 weeks' continuous service. No specific reason is needed for the request under this legislation.

The school recognises, however, that certain employees will also have the protection of discrimination legislation (the Equality Act 2010), e.g., women with childcare responsibilities, disabled persons.

The procedure this school will follow and advice on your application is set out below. Please read all sections.

## **Eligibility to Apply**

All employees will be considered for flexible working regardless of their age, sex, sexual orientation, race, or religion or belief, or whether they have a disability, their level of seniority, their current working pattern, or whether they are employed on a permanent or fixed-term basis. There is no legal obligation to agree to requests for flexible working and there is no automatic right for employees to change their working pattern but the law requires employers to objectively consider all requests. At Primrose Hill each application will be considered on its individual circumstances and any detrimental effect the change could have on the educational experience of pupils, colleagues' workload and the school budget.

## **Requests**

Requests for flexible working will be considered in the order they are received. Having considered and approved one request, it does not follow that subsequent requests will be agreed. Headteachers will consider each application in the context of the school at the time.

Where multiple requests are received at the same time, priority will be given to employees whose request is due to:

1. Ill health or disability where flexible working would help the employee attend or remain in work.
2. Caring responsibilities - the school recognises that many staff, in addition to work, have unpaid caring responsibilities for relatives, children, and friends who need support due to illness, disability or frailty.

## **Refusals**

Your application, if refused, will be refused under one or more of the following grounds set out in the ERA 1996:

- The burden of additional costs
- A detrimental effect on ability to meet customer demand
- A detrimental impact on quality
- A detrimental impact on performance
- The inability to reorganise work among existing staff
- The inability to recruit additional staff
- Insufficiency of work during the periods the employee wishes to work
- Planned structural changes

## **The Procedure**

Staff considering flexible working are encouraged to request an informal meeting or discussion with the head teacher to discuss their request before submitting a formal request. This may result in further investigation by the head teacher who will have due regard to the school budget and impact on the school before asking further questions or giving initial feedback.

The school will deal with a written requests for flexible working in a ‘reasonable manner’. Regulations require the school to notify the employee of a decision within three months from the date of the formal application, unless the parties mutually agree an extension. The information below gives the steps an employee and the school should take.

### **Step 1: The Application**

The employee should make a flexible working request in writing. The application should:

- contain a statement that this is a statutory request;
- be signed and dated;
- set out the employee’s proposal which should;
  - explain what effect the employee thinks this will have on colleagues and the school’s objectives and how these may be dealt with.
  - specify a desired start date for the proposed change, allowing a reasonable amount of time for the proposal to be considered and implemented.
- state whether a previous application has been made, and if so, when it was made.

### **Step 2: Meeting**

The Headteacher or the Headteacher’s representative will arrange to meet with the employee within 28 days of the request being submitted. This will give both parties the opportunity to discuss the desired work pattern, explore the situation in depth and how it might be best accommodated. It will also provide an opportunity to consider any alternatives should there be problems with the employee’s original proposal. The employee is able to be accompanied at the meeting should they so wish.

### **Step 3: Approval/Refusal of Request**

The Headteacher will write to the employee within 14 days after the date of the meeting either agreeing to or refusing the request. If the request is accepted, the letter of notification will outline the new working pattern and the start date. If the request is refused, the letter will state the grounds for refusal and the appeal procedure.

Any agreement to flexible working will be for an agreed time period, or it will be assumed that the working arrangement is permanent. A variation in contract will be issued by the employer setting out the details.

### **Step 4: Appeal**

- An employee has 14 days in which to appeal the decision.
- The employee’s appeal must again be in writing and outline the grounds of the appeal.
- The appeal should be sent to the chair of governors.
- The Governing Body’s appeal committee will hold the appeal hearing within 14 days of notification. The employee is given the right to be accompanied and/or represented at the appeal hearing.
- The chair of the appeal committee will write to the employee within 14 days to inform them of the decision, outlining the justification for the decision.

- The appeal decision will be final.

## **2. Flexible Retirement Procedure**

The object of this policy is to ensure that a common procedure for the retirement of staff is operated in a uniform manner throughout Owlcotes Multi-Academy Trust.

Owlcotes Multi-Academy Trust encourages staff to work past the United Kingdom state retirement age of 65 where it is in the interests of the Trust and the employee wishes to continue working. If an employee wishes to work beyond the state retirement age, Owlcotes Multi-Academy Trust must seriously and genuinely consider any request of this nature by using a defined process as set out in the Age Discrimination Act.

Flexible retirement options provide the more mature members of the Trust's staff with the option to plan work more flexibly, thereby balancing work and home life more effectively. Flexible working is a possibility and may help the employee to plan the latter part of their career.

## **3. Pension Arrangements**

Employees contributing to the West Yorkshire Pension Fund will qualify for a pension according to their joining date, leaving date and any other conditions of the pension scheme regulations.

Staff who wish to retire should give a minimum period of three months' notice. This will ensure that the necessary pension documentation can be completed and retirement benefits can be calculated in time for the employee to receive payments due immediately following their leaving date.

## **4. Age Discrimination – Duty to Consider Procedure**

The key issue for those dismissed from age 65 onwards will be whether the reason for dismissal was retirement. This will be determined according to the unfair dismissal provisions in the Employment Rights Act. This specifies that dismissal on an intended retirement date will be taken to be the only reason for dismissal.

## **5. Working Beyond Retirement**

Any employee of Owlcotes Multi-Academy Trust who wishes to continue working beyond age 65 may request that their employment continue indefinitely, for a stated period or until a stated date.

- The employee's request to continue working should be made in writing no less than three months but not more than six months before the intended date of retirement.
- The Headteacher should arrange a meeting to discuss the request. The meeting must be held within a reasonable period of the request being received.
- A colleague or trade union representative may accompany the employee to the meeting.
- Although the employee can seek to continue to work beyond the age of 65 for an 'indefinite' period, it is up to the Headteacher to agree to this. Technically, it is possible for the Headteacher to agree a specific period of time, for example one year but it is recommended

that this is left open unless there is a very specific justifiable reason. The employee is entitled to appeal this decision.

- Following the meeting, the employee will be informed in writing of the decision.
- If the Headteacher agrees to the employee continuing to work beyond age 65, the employee will be informed in writing and their contract of employment will continue (or be extended if on a fixed term).
- Owlcotes Multi Academy Trust must seek HR advice if the Headteacher does not consider it appropriate for the employee to continue to work after their due retirement date. If this is the decision then the employee must be notified in writing that the retirement will take effect on the intended default retirement date.
- The employee must be told that they have a right of appeal against the decision by writing to the Chair of Governors and that a colleague/Trade union representative may accompany them to the meeting to consider their appeal.
- Following the appeal, the employee will be informed of the final decision, in writing.
- The age regulations do not require the Headteacher to give a reason for refusing the employee's request to work on, but practically, the Headteacher should discuss the circumstances around their decision.
- An employee can make only one request in relation to carry on working past the intended retirement date. Where the Headteacher has agreed that an employee can continue to work and a new intended date for retirement has been agreed the procedures set out above must be followed again.

Although retirement is a potentially fair reason for dismissal, the employee's dismissal could be unfair and practices could give rise to other claims of discrimination, such as sex, race, and disability, if Owlcotes Multi-Academy Trust schools do not follow the correct procedure.

## **6. Flexible Retirement Options**

### **Voluntary Early Retirement**

An employee may choose to take voluntary early retirement from the age of 50. In this case, their pension benefits, in most cases, will be reduced to cover the extra cost of receiving a pension for longer. However, before benefits can be accessed under voluntary early retirement, approval must be sought from the West Yorkshire Pensions Fund.

### **Stepping Down**

Individuals may choose to "step down" to a less demanding role and this should be agreed with the Headteacher. This could be arranged by reducing the employee's pay grade by one full grade.

### **Semi - Retirement without claiming pension benefits**

Employees can semi-retire/wind down by working fewer hours or days in their current role. Pensions for part-time staff are calculated on whole time equivalent salary, so winding down/semi-retiring rather than retiring will enable staff to continue to build up pension entitlement.

**This Flexible Working and Retirement Policy was adopted by Owlcotes Multi Academy Trust on 24/04/2020**

<b>Chair of Trustees: Mrs Judith Norfolk</b>		
<b>Signature:</b>		<b>Judith Norfolk</b>
<b>Frequency of review:</b>	2 years	
<b>To be approved by:</b>	OMAT Full Board	
<b>Date of next review:</b>	June 2026	

**REVIEW RECORD**

Date of review	Reason for review	Date of next review
23/06/2022	Agreed review schedule.	June 2024

<b>Name:</b>		<b>Signature:</b>	
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**on behalf of OMAT Full Board**

Date of review	Reason for review	Date of next review
20/06/2024	Agreed review schedule.	June 2026

<b>Name:</b>			
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**on behalf of OMAT Full Board**

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<b>Name:</b>		<b>Signature:</b>	
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**on behalf of OMAT Full Board**