

# **Flexible Retirement Guidance**

Approved July 2007  
Last Revised March 2024

## **FLEXIBLE RETIREMENT**

### **GUIDANCE**

#### **1. Policy Statement**

In appropriate circumstances there can be mutual benefits to employees and the council from applying a Policy of Flexible Retirement. For example, where the council is keen to retain the skills and knowledge of an experienced employee and where a phased retirement suits the needs of that employee.

With this in mind the Council Executive Committee on 15 September 2015 agreed as part of the council's overall Policy on Applying Discretionary Provisions of the Local Government Pension Scheme that:

'The council will not have a general policy of agreeing to requests for early payment of retirement benefits from a member who has attained age 55 and who with the council's consent, has also reduced his or her hours and/or grade. However, where the council considers that it can be demonstrated as being to its advantage or in its operational interests, it will consider such requests.

In considering requests for flexible retirement, the council will normally expect at least a 20% reduction in the employee's contractual weekly hours or alternatively, a minimum reduction of at least one full salary grade.

Should the council agree to the early payment of benefits under this regulation in any case, it will not have a general policy of waiving any reduction, which would normally be applied to the benefits'.

#### **2. Eligibility Criteria**

Employees who are members of the Local Government Pension Scheme can apply for flexible retirement in order to draw their pension benefits while continuing in the council's employment subject to the following conditions being met:

- employees must apply for early payment of pension benefits in writing, be at least age 55 and have 2 years scheme membership or have brought in a transfer from another pension scheme;
- employees must, with the council's consent, reduce the hours they work or their grade; and
- the council agrees to the early payment of pension benefits

### 3. Guiding Principles

#### 4.1 Business Case

Requests for flexible retirement will be subject to the same considerations as those relevant to proposals for early retirement and voluntary severance. Decisions on requests will be informed by the:

- demonstrable benefit(s) to the council, in both cost and service implications;
- quality and relevance of the business case, taking all relevant service and cost implications into account. For example, any 'strain' costs incurred by the council from agreeing to early release of pension benefits, impact on the quality of service delivery, impact on other staff, implications of any planned structural changes etc;
- interests of the employee balanced with the interests of the council.

#### 4.2 Other Considerations

- Flexible retirement must be for a minimum period of 6 months, and be a permanent contractual adjustment until final retirement.
- Employees are opting to draw all or some of their pension benefits accrued to the date of implementation (subject to any actuarial reduction).
- Subject to any protection afforded to existing pension scheme members under Rule of 85, employees who take flexible retirement before normal pensionable age, will incur an actuarial reduction in their pension benefits. This reduction is made to compensate for the fact that they are drawing their pension early (the council may agree to waive this reduction where there are sound business reasons for doing so).
- Employees may opt to continue paying contributions on their reduced salary and build up new pension benefits which will become payable on full retirement. Alternatively they may choose to stop making contributions.
- Requests are approved at the sole discretion of the council. There is no right of appeal in the event the service is unable to accommodate a request.

### 5. Reduction in Hours

In considering requests for flexible retirement based on reduced hours, the general rule will be that there should be no cost to the council and no adverse impact on service delivery. As a guide in these circumstances, the council would normally expect **at least a 20% reduction** in the employee's contractual weekly working hours.

### 6. Reduction in Grade

Flexible retirement based on a reduction in grade is unlikely to be a common request. It may appeal to those who wish to voluntarily 'step down' in responsibility in the latter stages of their career.

The ability to accommodate such requests will depend on whether there is a vacant lower grade position. Reduction in grade in support of a flexible retirement request may be possible where:

- a service restructure provides the opportunity for transfer into a vacant position at a lower grade as an alternative to early retirement/voluntary severance; or

- the employee identifies a suitable vacancy advertised within their service or another council service that they wish to apply for on a flexible retirement basis.

A minimum reduction of at least one full salary grade will normally be necessary before flexible retirement on this basis would be considered.

## 7. Administrative Arrangements

### 7.1 Dealing with Requests

Formal requests for flexible retirement should be submitted on the Application Form (**Appendix 1**). The line manager will discuss the application with the relevant Head of Service and Senior Human Resources Adviser to determine whether it can be supported in principle.

### 7.2 Timescales

To allow sufficient time for costs to be obtained from Lothian Pension Fund and operational issues to be discussed and considered, requests for flexible retirement should be submitted **no earlier than 6 months and no later than 4 months** before the proposed implementation date. This gives the relevant parties enough time to:

- produce cost estimates
- draw up a business case
- provide notice of retirement
- pay out benefits to the member

### 7.3 Cost and Financial Implications

Where a request can be supported in principle, the Senior Human Resources Business Adviser will arrange through the HR Support team for Lothian Pension Fund to provide details of costs to the council and any actuarial reduction to the employee's pension benefits. The information provided by the Pension Fund will inform the business case, the details of which should be set out by the line manager in the Proposal for Flexible Retirement (**Appendix 2**).

### 7.4 Sign Off Arrangements

If both the Service and employee are happy to proceed, an effective date of implementation will be jointly agreed and the proposal passed to the appropriate Depute Chief Executive.

In common with the process for dealing with applications for early retirement and voluntary severance, the relevant Depute Chief Executive will indicate support for the flexible retirement application by signing off the Proposal Form (Appendix 2). The signed proposal will be passed to the Head of Corporate Services to certify that all necessary supporting documentation is available and thereafter the proposal will be passed to the Chief Executive for final sign off of the Approval Form (**Appendix 3**).

### 7.5 Implementation of Contractual Variation

Once signed off by the Chief Executive, the line manager will arrange for the contractual change to be actioned.

### 7.6 Refused Requests

Where a request cannot be accommodated, the employee should be advised in writing of the reasons (template letter provided at **Appendix 4**).

#### 7.7 Letter of Authorisation and Retirement Form

To release an employee's pension benefits, a letter of authorisation must be signed-off by the Depute Chief Executive and forwarded to Lothian Pension Fund with a copy to Human Resources for processing purposes. A sample letter is attached at **Appendix 5**. A Lothian Pension Fund Retirement Form will be completed by Human Resources on Lothian Pension Funds online portal.



## APPLICATION FOR FLEXIBLE RETIREMENT

### EMPLOYEE INFORMATION NOTE

Flexible Retirement allows you to draw your pension benefits while continuing in employment with the council. Applicants must be at least 55 years of age, with 2 or more years of pension scheme membership and reduce either the hours they work or their grade. Please note that drawing your pension early may result in a reduction of pension benefits.

Applications for flexible retirement require the consent of the council. If you are making the request on the basis of reduced working hours it will help the council reach a decision if you provide information on your preferred working pattern. If your request is granted, this will be a permanent change to your terms and conditions.

### PERSONAL DETAILS (please PRINT)

Name:	<input type="text"/>	Date of Birth:	<input type="text"/>
Employee No:	<input type="text"/>	NI No:	<input type="text"/>
Designation:	<input type="text"/>		
Manager's Name:	<input type="text"/>		
Service Area:	<input type="text"/>		

### ELIGIBILITY AND CONDITIONS OF APPLICATION

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:

**(Please ✓ to confirm)**

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 a minimum of 20% or reduce my 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 prior to my final retirement date.	<input type="checkbox"/>
I understand that flexible retirement will constitute a permanent contractual adjustment until my final retirement date.	<input type="checkbox"/>

Please complete either Option 1 or Option 2

**OPTION 1**

- I wish to apply for flexible retirement on the basis of reducing my hours of work by a minimum of 20%.
- My current weekly hours of work are: 

	hours		mins
--	-------	--	------
- I request to reduce my weekly hours of work to: 

	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		

**OPTION 2**

- I wish to apply for flexible retirement on the basis of reducing my salary grade and maintaining my current working hours.

**COMMENCEMENT**

- I request my flexible retirement to take effect from – Date:

**REASONS FOR REQUEST**

In considering your request for the flexible retirement the council will seek to balance your interests with the interests of the council. Please provide your reasons for requesting flexible retirement below in order for the council to consider these while also assessing any impact your flexible retirement would have on the council.

**CONFIRMATION OF APPLICATION REQUEST**

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_





**FLEXIBLE RETIREMENT PROPOSAL**

Employing Service to process in accordance with the following guidance notes:

- Provide details of the business case in support of the application showing costs and savings and attach Pension Fund statement of strain costs as appropriate.
- Depute Chief Executive (or Head of Finance Services as appropriate) to sign off and pass to Head of Corporate Services for certification;
- Supported proposal to be referred to the Chief Executive for final sign off.

**EMPLOYEE'S PERSONAL DETAILS**

Full Name:		
Job Title:		
Service Area:		
Proposed Commencement Date:		Age at Commencement Date:
Basis of Flexible Retirement (X as appropriate):	Reduction in hours	Reduction in Salary Grade

**DETAILS OF BUSINESS CASE**


**Head of Service**

**I confirm my support for the above proposal**

Name (please PRINT):

---

Signature: Date:

**Head of Corporate Services or Nominated Senior Officer**

Documentation certified as complete

Name (please PRINT):

---

Signature: Date:

**Depute Chief Executive (or Head of Finance Services as appropriate)**

**I confirm my support for the above proposal**

Name (please PRINT):

---

Signature: Date:



**APPROVAL OF FLEXIBLE RETIREMENT**

EMPLOYEE'S PERSONAL DETAILS	
Name of applicant:	
Job Title:	
Service:	

**AUTHORISING SIGNATURES**

CHIEF EXECUTIVE	
<b>Graham Hope</b>	
Signature:	Date:

LEADER OF THE COUNCIL	
<b>Lawrence Fitzpatrick</b>	
Signature:	Date:



**TEMPLATE LETTER**  
**FLEXIBLE RETIREMENT APPLICATION**  
**REASONS FOR REFUSAL**

Dear

**FLEXIBLE RETIREMENT APPLICATION**

I refer to your recent application for flexible retirement and confirm that unfortunately following a full assessment your request cannot be accommodated by the service.

Your request has been declined for the following reason(s):

- *[insert clear and justifiable reasons for refusal which can be supported by evidence]*

I would confirm that applications for flexible retirement are approved at the sole discretion of the council and that as such there is no right of appeal in the event that a service is unable to accommodate a request. However should you require further clarification of the council's decision, please do not hesitate to contact me or Human Resources.

Yours sincerely

Line Manager  
Service



### EXAMPLE LETTER OF AUTHORISATION

Pension Manager  
 Lothian Pension Fund  
 City of Edinburgh Council  
 Level 3:3  
 Waverley Court  
 4 East Market Street  
 EDINBURGH  
 EH8 8BG

Dear Sir

#### CONFIRMATION OF APPROVAL OF FLEXIBLE RETIREMENT

The employee named below has been granted retirement in accordance with the council's Policy on Flexible Retirement.

**Employee's Name:**

**NI Number:**

Select option as appropriate \*

- \*1. Flexible retirement has been agreed by the Depute Chief Executive on behalf of the council on the basis of a reduced working week of ..... hours per week with effect from .....
- \*2. Flexible retirement has been agreed by the Depute Chief Executive on behalf of the council on the basis of a reduction in salary grade to ..... per annum on WLC grade ..... spinal column point ..... with effect from.....
- \*3. The council is **agreeing/not agreeing [delete as appropriate]** to waive any actuarial reduction applied to pension benefits.
- \*4. The employee wishes to cease payment of pension contributions with effect from the date of retirement.
- \*5. The employee wishes to continue payment of pension contributions from the date of retirement. The full-time equivalent salary is £..... and the members contribution rate is .....%.

Yours faithfully

Depute Chief Executive