

Equality Impact Assessment (EqIA) for Policies, Procedures and Services

Proposal name	Flexible Retirement Policy		
Directorate	Resources and Transformation		
Service	HR Strategy and Planning Team		
Responsible Officer	Rebecca Lloyd		
Proposal planning start	September 2022	Proposal start date (due or actual date)	01 April 2023

1	What is the purpose of the proposal?	Yes / No	New / revision
	Policy	Yes	New
	Procedure	N/A	
	Guidance	N/A	
	Is this a service to customers/staff/public?	N/A	
	If yes, is it contracted or commissioned?	N/A	
	Other - give details	N/A	
2	What is the business case for this proposal? Please provide the main purpose of the service, intended outcomes and reasons for change?		
	<p>Under Regulation 30(6) of the Local Government Pension Scheme Regulations and section 11 (2) of the Teachers' Pension Scheme the council has discretion to permit flexible retirement for staff aged 55 or over who, in agreement, reduce their working hours or grade in order to release some or all of their retirement benefits.</p> <p>The current Pension Statement in the Pay Policy Statement says; <i>'The council will consider employee requests to take flexible retirement on a case by case basis after taking into factors such as service delivery and any costs that may apply.'</i></p> <p>In order to ensure that the council consider flexible retirement in a consistent and fair way the new Flexible Retirement Policy sets out criteria in which flexible retirement may be requested and subsequently approved/declined.</p> <p>The criteria set out in the Flexible Retirement Policy regarding the reduction in contracted weekly hours or a move to a lower graded position is;</p> <ul style="list-style-type: none"> A minimum reduction in hours of 20% (para 3.4). This gives a clear calculation 		

allowing managers to make an informed decision on the impact to the service. Based on a full-time equivalent employee this would equate to a reduction in working hours of 1 day.

- A reduction in grade (to any lower graded post) allows the employee to move to a less demanding role / lower level of responsibility (para 3.5).

Requests for flexible retirement will continue to be approved by the Section 151 Officer and the Director of HR (as per the current guidance), with the criteria set out (para 3.7) as;

- where there is no or only minimal cost to the service (any cost must not exceed the value of the savings which would be made over 12 months due to the reduction in hours / grade); OR,
- on compassionate grounds, but only when it can be demonstratively shown that the inability of the employee to work their current hours / grade is as a result of a severe medical condition of the;
 - employee (subject to medical evidence to support the application); OR
 - person for which they are the main carer (subject to evidence to support the application).

Consideration of the waiver (para 3.14), whereby the council waive the actuarial reduced benefits before Normal Retirement Age, will only be considered in exceptional circumstances and where any costs do not exceed the value of savings to be made over 12 months due to the hours / grade reduction.

There is no automatic right to flexible retirement, it is at the council's discretion, as the council must give consent to a reduction in the employee's hours / grade and the release of their accrued pension benefits.

3 Who is the proposal likely to affect?

People in Walsall	Yes / No	Detail
All	No	All corporate employees in the Local Government Pensions Scheme or Teachers Pension Scheme, but excludes those in schools where the Governing Body has delegated authority for staffing.
Specific group/s	No	
Council employees	Yes	
Other (identify)	N/A	

4 Please provide service data relating to this proposal on your customer's protected characteristics.

As of 31 March 2022 the total number of Walsall Council employees (excluding Schools) were 2998. The Council's workforce is made up of 66.94% females. 21.68% of the workforce are classified as minority ethnic. In total there were 133 employees (4.44% of the workforce) who declared they had a disability, as defined by the Equality Act 2010. Of Walsall Council employees 3.20% are in the age group under 25, 24.35% in age group 25-39, 24.72% are in the age group 40-49, 44.09% are in the age group 50-64, and 3.64% are in the age group 65 and over.

- 27.72% of the workforce are aged 55 to 64.

5 Please provide details of all engagement and consultation undertaken for this proposal. (Please use a separate box for each engagement/consultation).

Consultation was undertaken with HR, Payroll, Finance and Legal between 10 and 25 November 2022. Amendments were made following consultation and a further period of consultation took place between 09 and 16 December 2022.

The Flexible Retirement Policy is subject to endorsement with CMT on **x January 2023**.

The Pay Policy is subject to approval with Personnel Committee on **23 January 2023**.

The intention is for the policy to be launched with effect from 1 April 2023 in line with the annual Pay Policy Statement (2023/24).

Consultation Activity

Complete a copy of this table for each consultation activity you have undertaken.

Type of engagement/consultation	Email	Date	10/11/2022 to 25/11/2022
Who attended/participated?	HR operations, Finance, Payroll & Pensions and Legal		
Protected characteristics of participants	A range of protected characteristics including, gender, race, age, disability.		

Feedback and response

Feedback led to a number of minor changes / clarification of wording.

Other feedback was considered and the following was incorporated into the second draft of the policy;

- Change from only considering requests where no cost to the service, to including minimal costs – where the cost must not exceed the value of the savings which would be made over 12 months due to the reduction in hours /grade (3.7)
- Using bullet points to split out ‘cost’ from ‘compassionate grounds’ to make it clearer that it is an ‘OR’, so that where requested on medical grounds/long term condition or as a carer are not limited (3.7).
- Giving the employee an opportunity for a review by the managers line manager if the line manager declines the request to change hours/grade due to business continuity / needs of the service. (para 5.5). This was in addition to the appeal to the S151 officer and HR director who have to authorise the request and release of the pension (section 6).

In addition, the option of whether to consider a waiver for the actuarial reduction was

asked of consultees. The majority supported the consideration of a waiver in exceptional circumstances, and where costs does not exceed the value of the savings to be made from the reduced hours/grade.

Type of engagement/consultation	Email	Date	09/12/2022 to 16/12/2022
Who attended/participated?	HR operations, Finance, Payroll & Pensions and Legal		
Protected characteristics of participants	A range of protected characteristics including, gender, race, age, disability.		
Feedback and response			
No further comments received from additional consultation on second draft.			

6 Concise overview of all evidence, engagement and consultation

Formal consultation raised concerns regarding potential disability protected characteristic. Concerns that flexible requirement would only be approved whether there were no or minimal costs, but that reasonable adjustment should be considered for those with a long term condition (who do not meet the criteria for ill health retirement but would wish to reduce their working hours and access their pension). The Flexible Retirement policy does mention it will only be considered 'where there is no or only minimal costs', but then goes on to say 'or on compassionate grounds but only when it can be demonstratively shown that the inability of the employee to work their current hours / grade is as a result of a severe medical condition of the employee or person for which they are the main carer (subject to evidence to support the application). For consistency and fairness all applications must be approved by the S151 officer and HR director, and both must be in agreement, ensuring the decision is not just made on financial costs alone.

7 How may the proposal affect each protected characteristic or group? The effect may be positive, negative, neutral or not known. Give reasons and if action is needed.

Characteristic	Affect	Reason	Action needed Yes / No
Age	Neutral	The policy applies to all employees who are members of the Local Government Pension Scheme or Teachers' Pension Scheme, who in	No

			<p>accordance with the relevant pension regulations may apply for flexible retirement (those aged 55 and over).</p> <p>The policy sets out clear guidelines for the criteria of applying for flexible retirement and the criteria on which requests will be approved to reduce the risk of discrimination.</p>	
	Disability	Neutral	<p>The policy sets out clear guidelines for the criteria of applying for flexible retirement and the criteria on which requests will be approved to reduce the risk of discrimination.</p> <p>The policy allows flexible retirement to be considered on compassionate grounds when it can be demonstratively shown that the inability of the employee to work their current hours / grade is as a result of a severe medical condition of the employee or person for which they are the main carer (subject to evidence to support the application).</p> <p>Potential impact on employees who require reasonable adjustments for communication and for those who do not understand the policy e.g. employees with learning disabilities.</p>	<p>No</p> <p>Yes</p>
	Gender reassignment / confirmation	Neutral	<p>The policy sets out clear guidelines for the criteria of applying for flexible retirement and the criteria on which requests will be approved to reduce the risk of discrimination.</p>	No
	Marriage and civil partnership	Neutral	<p>The policy sets out clear guidelines for the criteria of applying for flexible retirement and the criteria on which</p>	No

			requests will be approved to reduce the risk of discrimination.	
	Pregnancy and maternity	Neutral	The policy sets out clear guidelines for the criteria of applying for flexible retirement and the criteria on which requests will be approved to reduce the risk of discrimination.	No
	Race	Neutral	The policy sets out clear guidelines for the criteria of applying for flexible retirement and the criteria on which requests will be approved to reduce the risk of discrimination.	No
	Religion or belief	Neutral	The policy sets out clear guidelines for the criteria of applying for flexible retirement and the criteria on which requests will be approved to reduce the risk of discrimination.	No
	Sex	Neutral	The policy sets out clear guidelines for the criteria of applying for flexible retirement and the criteria on which requests will be approved to reduce the risk of discrimination.	No
	Sexual orientation	Neutral	The policy sets out clear guidelines for the criteria of applying for flexible retirement and the criteria on which requests will be approved to reduce the risk of discrimination.	No
	Other (give detail)	N/A		
	Further information	N/A		
8	Does your proposal link with other proposals to have a cumulative effect on particular equality groups? If yes, give details.			(Delete one) No
9	Which justifiable action does the evidence, engagement and consultation feedback suggest you take?			
	A	No major change required		

	B	Adjustments needed to remove barriers or to better promote equality
	C	Continue despite possible adverse impact
	D	Stop and rethink your proposal.

Action and monitoring plan				
Action Date	Action	Responsibility	Outcome Date	Outcome
Day of Launch	The policy to be explained/made available to employees	Employee's line manager should make themselves available to explain the policy to ensure understanding and offer support to allow individuals to achieve the requirements	As and when required	
Day of Launch	The procedure will be explained/made available in other languages on request for employees whose first language is not English.	Appropriate liaison as required with the council's Interpretation, Translation, Transcription and Easy Read service (ITTE)	As and when requested	
Day of Launch	Alternative formats (audio and Easy Read) for disabled employees of the new policy will be made available on request.	Liaison as required with the appropriate council procured services; audio formats from Walsall Society for the Blind and Easy Read from the Community, Equality and Cohesion team.	As and when requested	

Update to EqIA	
Date	Detail

Contact us

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Inside Walsall: [http://int.walsall.gov.uk/Service information/Equality and diversity](http://int.walsall.gov.uk/Service_information/Equality_and_diversity)