

# Harlow Council Flexible Retirement Policy

## Document Information

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## 1.0 Policy statement

- 1.1 The default retirement age of 65 years was removed by legislation. Employees of the council are entitled to continue working beyond the age of 65 years provided they are fit to do so. Employment will automatically continue until an employee gives notice or ends for another reason.
- 1.2 Employees may voluntarily retire at a time of their choosing and draw any occupational pension scheme that they are entitled to, in line with the relevant scheme's rules.
- 1.3 The council recognises that taking the decision to retire is an important one and will seek to ensure employees are supported in their decision making. For some employees, retirement will be at the end of a long and productive career with the council.
- 1.4 The council is committed to equal opportunities for all its employees and recognises the contribution of a diverse workforce, including the skills and experience of older employees. It believes that employees should, wherever possible, be permitted to continue working for as long as they wish to and able to do so. Eligible employees may voluntarily retire at a time of their choosing.

## 2.0 Scope

- 2.1 This policy applies to all permanent employees of the Council. It does not apply to casual or agency workers.
- 2.2 Retirement provisions for the Chief Executive may be subject to separate consent arrangements in accordance with rules and requirements of the Constitution.
- 2.3 The contracts of employees on temporary or fixed term contracts will cease in line with their contractual arrangements and so are not covered by this policy. Should such employees be offered a permanent contract, or otherwise accrue employment rights because of the length of their temporary or fixed term arrangements, this policy will then apply.

## 3.0 Principles

- 3.1 The procedures in the policy are intended to clarify the roles and responsibilities of all those involved in managing retirement situations.
- 3.2 The council encourages dialogue between an employee and their line manager regarding their retirement options so both parties can plan for retirement and in addition support succession planning.
- 3.3 The council aims to ensure that employees are managed effectively without a compulsory retirement age. Any performance issues that arise for any employees will be managed consistently in line with Council policy and procedures.
- 3.4 The council notes that under LGPS 2013, Regulation 60(5) it, as a scheme employer is to have regard to the extent to which the policy on exercising LGPS discretions may lead to a serious loss of confidence in the public service. Accordingly, decisions appertaining to its LGPS discretions are underpinned by this legal obligation and reflected in this policy.
- 3.5 This policy refers to elements of the published guides of the occupational pension schemes in place. Employees should consider their pension provision and take

independent financial advice before making any decision in relation to retirement. The council is prohibited from giving pension advice.

- 3.6 Information regarding the pension scheme is available on [Kaonet](#) or at the [Essex Pension Fund](#) or [LGPS](#).

## 4.0 Planning and preparing for retirement

### Workplace Discussions

- 4.1 Personal Performance Plan (PPP) meetings are a good opportunity for employees and managers to discuss the Council's and individuals' future and plans, including training and development opportunities, career growth or retirement plans.
- 4.2 Employees can request to meet with their manager to discuss their retirement plans at any time.
- 4.3 A discussion about possible retirement will not result in the Council making any assumptions about the employee's commitment to the Council. The Council seeks to retain the best talent, including older employees. Workplace discussions are an informal opportunity for both the Line Manager and employees to plan jointly for the future.
- 4.4 To notify the Council of your intention to retire, please see below section 5 and refer to the [leavers](#) section in Kaonet.

### Change to Working Hours

- 4.5 Any employee may request to make changes to their working arrangements in line with policy throughout their employment with the council. Employees should refer to the Flexible Working [policy](#) for further details on how to make such request. Any requests made via this route would be considered subject to the needs of the Service.
- 4.6 If the request related to a reduction in working hours and this was approved employees should be aware that this would result in a change in salary and this could affect their final pension benefits upon retirement.

### Pre-Retirement courses

- 4.7. Employees who are nearing a date where they could retire and (where applicable) access their occupational pension scheme are encouraged to consider attending a pre-retirement course. Employees who are eligible or within 6 months of being eligible, to retire can request to attend such courses as part of training planning for the year ahead through the PPP appraisal process or by request through their line manager. All [training courses](#) requests should be applied for in the usual way and authorised via Kaonet.

### Succession Planning

- 4.8 An employee who is shortly due to retire will often have considerable knowledge in relation to their role and responsibilities. The Service may require the employees' assistance and cooperation for succession planning.

4.9 Prior to retirement employees may be asked to assist managers with some of the following:

- providing written details of the status of work projects and future steps.
- reviewing their job description, including key competencies and skills required for the role.
- ensuring a smooth handover of work; and
- assisting in training any successor.

## **Pension Forecasts**

4.10 Employees can request an estimate of their pension benefits. Such a request should normally be made within 12 months of the intended retirement date. The Annual Pension Benefit Statement is also a source of information regarding benefits payable on retirement. Any requests for estimates need to state the intended retirement date and be sent to the Essex Pension Fund who are our Local Government pension scheme administrators: -

Tel: **0333 013 8384**

[pensionenquiries@essex.gov.uk](mailto:pensionenquiries@essex.gov.uk)

Estimates for Authority-Initiated retirements will be made by the HR Department.

## **5.0 Submitting Notice of Retirement.**

- 5.1. Employees wishing to retire are required to provide written notice to their manager in accordance with their terms and conditions of employment and stating the intended last day of employment. Notwithstanding this, the Council would appreciate knowing the employee's intention to retire at an earlier opportunity should this be possible.
- 5.2. Voluntary retirement is in effect a resignation and an employees' contractual notice will apply.
- 5.3. The period of contractual notice that an employee is required to work before retiring may be varied with the agreement of the Council in cases of retirement. Advance notice of retirement will enable more considered succession planning and more efficient handovers where applicable, minimising any adverse impact on service delivery.
- 5.4. Upon receipt of an employee's resignation, the manager should arrange to have an informal conversation with the employee to discuss the reasons for leaving as would happen with any leaver.
- 5.5 For further information please refer to the [leavers](#) section in Kaonet.

## **6.0 Member Initiated Retirement**

### **Retirement at Normal Pension Age**

- 6.1. Employees who have reached Normal Pension Age under the terms of the LGPS and have the required qualifying service are able to voluntarily retire from the Council at a time of their choosing by providing written notice to their manager as per their terms and conditions of employment. See section 5 above (submitting notice of retirement).

- 6.2. Members of the LGPS who retire at Normal Pension Age can receive immediate payment of their pension without any reduction to their pension benefits or any capital cost to the Council.
- 6.3 If you were a member of the LGPS at any time between 1 April 1998 and 30 September 2006, some or all of your benefits could be paid in full before age 65 if you are protected by the 85-year rule. You can find out more about the 85-year rule [here](#)

## **Retirement Before Normal Pension Age**

- 6.4 Normal Pension Age for LGPS is a person's state pension age, however, members can retire earlier without needing the consent of the Council if they are over 55 years of age and have a minimum of 2 year's qualifying service in the scheme. Receiving payment of pension benefits without needing the consent of the Service between the ages of 55 and state pension age means the benefits will be reduced to reflect early payment. Employees should consider their pension provision and take independent financial advice before making any decision in relation to retirement (see 3.6 above).
- 6.5 If you do not know what your state pension age is, you can find out by using the Government's State Pension Calculator. [Check your State Pension age - GOV.UK \(www.gov.uk\)](#)

## **7.0 Authority initiated retirement**

### **Retirement Triggered by a Redundancy Situation**

- 7.1. The Council will take measures to avoid a redundancy situation. Where there is no suitable alternative to redundancy, for employees that are members of an occupational pension scheme, this may trigger payment of pension benefits, but this will be dependent on their age on the date of redundancy. These situations will be managed in line with the Council's [Organisational Change Procedure](#).
- 7.2. If a scheme member in the LGPS is 55 years of age or over and is retired on grounds of redundancy or business efficiency this will trigger early release of their pension benefits if the employee has 2 year's qualifying pension membership. The pension benefits accrued up to the date of leaving is brought into payment. There will be no reduction in the accrued pension payable to the member for early payment in these circumstances.

## **8.0 Ill health retirement**

- 8.1 When an employee is on long term sickness absence the Council will adopt a case management approach as detailed in the [Sickness Absence Management Policy](#). In cases where it becomes clear that an individual is unlikely to return within a reasonable timescale then consideration will be given to an assessment of ill health retirement if the employee is a member of the LGPS.
- 8.2 Scheme members are able to apply for access to ill health benefits if they feel it is applicable for them. This includes members that have left the employment of the Council and are requesting to access their deferred pension benefits due to ill health.

- 8.3 For each case, an appointment will be held with the Occupational Health provider at the initial stage of the process.
- 8.4 Following assessment regarding ill health retirement, under the LGPS, cases are then referred to an Independent Registered Medical Practitioner (IRMP).
- 8.5 Please refer to the [Sickness Absence Management Policy](#) for more details.

## 9.0 Authority approved retirement

### Flexible Retirement

#### Procedure Overview

- 9.1 All requests and applications must be discussed with the line manager in the first instance.
- 9.2 Employees requesting flexible retirement are required to complete the Flexible Retirement Application Form (see Appendix 2) and submit to their line manager detailing their request for a reduction in hours and/or grade under this policy and how the impact of the proposal on the council could be dealt with. The line manager should, wherever possible, acknowledge the request within 14 days of receipt.
- 9.3 The line manager discusses with the relevant Assistant Director and contacts HR to request pension strain/costs plus any other associated costs.
- 9.4 Upon receipt from pensions, Human Resources will provide the estimated strain payment to the line manager, who will detail this information on the employee's application form. A copy of the pension benefits can be provided to the employee (if requested)
- 9.5 Should the employee wish to proceed with an application, initial consideration will be by the Assistant Director who, as appropriate, will provide a business case (detailed on the application form) in conjunction with support from Human Resources. It must be recognised that partial early retirement before the age of 60 could incur a cost to the organisation through pension strain. This cost must be affordable and within existing budgets, all the relevant circumstances will be considered when an early retirement decision is made. Where this is not achievable, the proposal should be accompanied by a supplementary plan detailing how any cost will be recovered if the application is agreed.
- 9.6 There can be no release of pension benefits without employer consent.
- 9.7 The decision to grant flexible retirement will consider the business case provided by the Assistant Director (as detailed above, the business case must be detailed within the application form) and will be considered by EMT– the final decision on a flexible retirement application will be taken by the Head of Paid Service (or their appointed Deputy) following consultation with the Section 151 Officer and Assistant



- 9.8 Normally a decision will be made and communicated to the employee within 28 days of the employee confirming that they wish to proceed with their application.
- 9.9 There is no right of appeal should the employee not be satisfied with the decision on the flexible retirement application.

## **Roles and Responsibilities**

9.10 Managers are expected to:

- Meet with an employee who expresses an interest in flexible retirement and explain the application process and policy.
- Consider the operational impact of the request.
- Advise the employee on the completion of the application form.
- Prepare a business case, to be detailed on the application form, for initial consideration by the Assistant Director of Service setting out the savings to be achieved, as appropriate, should the request be granted and providing details of how work will be reallocated within the department/team.
- Complete the relevant change or terms form and submit it to HR detailing the changes duly authorised.

9.11 Employees are expected to:

- Speak to their line manager before submitting a request for flexible retirement.
- Only submit a request if they are aged 55 or over and have at least 2 years of qualifying service in the LGPS.
- Attend a meeting to discuss their application. An employee may be accompanied by a workplace colleague or a trade union representative.
- Apply at least 3 months prior to the intended start date (if possible) or else within 3 months of the change to their working hours or grade.
- Fully retire within 60 months of commencing flexible retirement

9.12 Human Resources will:

- Provide advice and guidance on all aspects of the process, attending any relevant meetings as appropriate.
- Provide the employee an estimate of benefits once a request is received (supported by Payroll).
- Process any applications agreed as quickly as possible and confirm the outcome to the manager and the employee.
- Provide the employee with a revised contract of employment as appropriate.

## **Costs and Payments**

9.13 The employee's age and length of membership in the pension scheme will determine the benefit to the employee of taking their pension early under this flexible provision.

9.14 Flexible retirements are concessionary and employer consent from EMT is needed for the early release of pension benefits.



9.15 Any cost arising from the early release of benefits will be advised to the Executive Director and will be one of the factors considered by EMT when contemplating the request for early release of pension benefits. Other factors will include:

- A detrimental effect on ability to meet customer demand
- An inability to reorganise work amongst existing staff or recruit additional staff
- A detrimental impact on quality or performance
- An impact on the ability to recruit staff (e.g. job share partners)
- In sufficiency of work during the periods the employee proposes to work e.g. outside normal opening/operating hours
- Planned structural changes

9.16 The proposal must be self-financing. In other words, any cost related to any applicable financial strain payable by the Council by virtue of a request to retire flexibly with any subsequent re-grading of other staff and the resultant reduction in hours can be repaid within a three-year period.

## **Employment Issues**

### **Pay**

9.17 Employees taking flexible retirement resulting in reduced working hours will be paid on a pro rata basis, according to the number of hours worked. Those moving to a lower graded post will receive payment at the new grade of the new role immediately upon taking up appointment in the new role.

9.18 Employees who take flexible retirement resulting in reduced working hours will not work any additional hours without the prior approval of the Head of Paid Service. The request will need to be evidenced by a robust business case which includes details of steps taken to otherwise cover the additional hours requested including for example why it has not been possible to recruit to the extra hours worked.

### **Annual leave**

9.19 Where flexible retirement results in reduced hours, leave entitlement will be calculated on a pro rata basis. Where a new post has been taken up the new annual leave entitlement (relating to grade and years' continuous service) will apply.

### **Cumulative and continuous service**

9.20 Cumulative and continuous service are preserved despite taking flexible retirement if the employee remains in employment without a break in service.

### **Redundancy payments**

9.21 In the event of a subsequent redundancy situation, calculations in respect of redundancy pay will be based on the employee's salary in the new contract. If

an employee is working on reduced hours following a flexible retirement request, redundancy calculations will be based on the reduced hours' salary and not on the salary prior to the flexible retirement.

## 9.0 Efficiency of Service

9.22 This is an Authority approved retirement option.

9.23 To be eligible, an employee must be aged 55 years of age or above and have at least 2 years' qualifying pension membership to receive immediate benefit from the Pension Scheme and the possible discretionary payments under the Council's separate compensation arrangements.

9.24 Retirements in the interest of the efficiency of the service should only take place where the organisation of an employee's work or the way in which it was carried out has altered radically. One of the following criteria must be satisfied for agreement to be retired under this scheme:

- The employee's ability to perform the job has been affected by changes which mean that it is difficult for them to adjust to that change.
- The job requires new skills or competences, which the employee does not have and where retraining or investment in future development would not be appropriate.
- It would create internal job opportunities or unblock promotion channels which succession planning could fill through an internal appointment.
- Structural changes could lead to savings through alternative approaches to covering the duties of the role.
- It avoids a redundancy situation by allowing an employee who would otherwise be at risk of redundancy or dismissal, where possible, to be redeployed.
- It is demonstrably in the interests of the Council as the employer as well as the employee.

9.25 EMT approval must be obtained to retire an employee in these circumstances via a business case (as detailed on the application form)

9.26 Discretionary payments must be estimated by the HR Department (supported by Payroll) before being included in the report, which must be in the joint names of the Service Director and Assistant Director Governance, HR & Legal.

9.27 This policy should not be used to deal with cases of incapability or incompetence (refer to [Capability Policy](#)), nor should it be used for dealing with long term sickness cases (refer to the [Sickness Absence Management Policy](#)).

9.28 Each case will be considered on its merits and will should follow initial consideration by the Service Director supported by the relevant Assistant Director of the service.

9.29 The decision to grant efficiency in service retirement will be considered via business case provided by the line manager and Assistant Director for the consideration of EMT– the final decision on a business efficiency application will be taken by the Managing Director (or their appointed Deputy) following consultation with an Executive Director.

- 9.30 The pension benefit accrued up to the date of leaving is brought into payment. There will be no reduction for early payment in these circumstances.

## **10.0 Leaving Council Employment Prior to Being Able to Access Pension Benefits**

- 10.1 Members of the LGPS who leave the council employment prior to being able to access their pension benefits through retirement will defer their pension.
- 10.2 If your LGPS membership ceased after 31st March 2014, a deferred LGPS pension is put into payment at your state pension age or (age 65 if that is higher). You could request earlier payment from age 55, but the benefits would be subject to a reduction for the early payment.
- 10.3 The protected Normal Pension Age before 1 April 2014 is age 65 (for almost all members). This means if you left the LGPS before 1 April 2014 your deferred benefits will be payable in full at age 65.
- 10.4 Pension benefits can be paid earlier if you become permanently incapable of discharging efficiently the duties of the employment you were engaged in because of ill-health or infirmity of mind or body; and, if so, whether because of that condition you are unlikely to be capable of undertaking gainful employment before reaching normal pension age, or for at least three years, whichever is the sooner.
- 10.5 If you wish, you could seek advice regarding a transfer value to be paid to some other pension scheme.

## **11.0 Working After Normal Pension Age**

- 11.1 Members working beyond state pension age can continue to pay into the LGPS pension scheme, accruing further benefits. Pension benefits can then be received upon retirement or on the eve of their 75th birthday whichever occurs first.
- 11.2 For members drawing their pension after state pension age, the benefits accrued will be increased to reflect the fact that these are being paid later. LGPS pension benefits must be paid by age 75. This does not mean that you must cease employment before age 75, only that your pension benefits must be put into payment.

## State Pension

- 11.3 If an employee was to continue working past State Pension Age their earnings will not reduce the State Pension they receive.
- 11.4 When reaching State Pension Age, there are various options available regarding the state pension, for example drawing the state pension and either stopping work or continuing to work or deferring the state pension and continuing with work or not.
- 11.5 Once employees have reached State Pension Age, they are not required to pay National Insurance Contributions (NICs). The employee will need to provide Payroll with an 'age exemption certificate.' This can be emailed to [payroll@harlow.council.gov.uk](mailto:payroll@harlow.council.gov.uk)
- 11.6 Deferment of State Pension means it may be possible to get extra State Pension or a lump-sum payment when it is claimed. Deferment of State Pension can be for as long as the individual requests.
- 11.7 Further information including calculation of reaching State Pension Age can be obtained by using the Government's state pension calculator.

## 12.0 Re-Employment

- 12.1 For a retired individual seeking re-employment with the council, the period of time required between retirement and re-employment will vary dependent on the individual circumstances and the role being reemployed to. The Essex Pension Fund has adopted a policy of not abating pension on re-employment. However, LGPS members are advised to contact the Essex Pension Fund to seek guidance on their individual circumstances.

## 13. Links to other relevant procedures

[Organisational Change Procedure](#). [Sickness](#)

[Absence Management Policy](#). [Flexible Working](#)

[Policy](#)

[Capability Policy](#)

## 14. Further information

- 14.1 Further information and guidance on retirement and pensions may be obtained from the organisations shown in Appendix 1.

## Appendix 1 - Sources of Help and Information

### Local Government Pension Scheme

If you require any information about your pension or have any concerns about your membership or benefits you should contact your local pension fund administrator.

Essex County Council PO Box 11

County Hall Chelmsford Essex CM11 1LX

Telephone Pensions Services direct on **0333 013 8384**.

You may also visit their website <http://www.essexpensionfund.co.uk/>

Further information can be found on the Local Government Pensions website  
<https://www.lgpsmember.org/>

### Inland Revenue

The Inland Revenue has responsibility for the administration of income tax and national insurance contributions.

For further information call the Pension Schemes Customer Helpline on 0115 974 1600 or visit their website [www.inlandrevenue.gov.uk](http://www.inlandrevenue.gov.uk) where you will also find details of your nearest local office.

### Pensions Advisory Service (OPAS)

OPAS is a non-profit organisation that provides information and guidance on the whole spectrum of pensions. For further information visit their website [www.opas.org.uk](http://www.opas.org.uk)

### The Pension Service

The Pension Service is part of the Department for Work and Pensions. It has been set up to improve the service for those who are already drawing their pension or those who are planning for retirement, no matter how far off it might be.

For enquiries call 0845 60 60 265 or visit their website [www.thepensionservice.gov.uk](http://www.thepensionservice.gov.uk)

Retirement Pension Forecasting Team For information on how much State Pension you may be entitled to on retirement, contact the Retirement Pension Forecasting Team on 0845 3000 168. Alternatively, a pension forecast form can be downloaded from [www.thepensionservice.gov.uk](http://www.thepensionservice.gov.uk)

## Appendix 2 – Flexible Retirement Application form

### Flexible Retirement

#### Flexible Retirement Application Form- Private and Confidential

**Harlow Council understands that your privacy is important to you. The details you provide on this form will be treated as private and confidential.**

**Information Note-** Flexible Retirement allows you to draw your pension benefits while continuing in your 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 EMT. If you request a reduction in hours, it will help the council reach a decision if you provide information on your preferred working pattern. When completing the Business Case section, think about the effect this change will have both on the work that you do and on your colleagues. If your request is granted, this will be a permanent change to your terms and conditions.

Please read the Council's Retirement Policy before completing this form. You should ensure that you submit your application to your line manager at least 3 months before the date you wish the request to take effect. It is important that you complete all the questions to avoid a delay in the process.

Full Name (PRINT):	<input type="text"/>	Payroll No	<input type="text"/>
Service	<input type="text"/>	Line Manager Name	<input type="text"/>
Department	<input type="text"/>		

#### Eligibility and Conditions of Application

Please tick ☐ to confirm or provide details where appropriate.

I wish to apply for flexible retirement ☐ I am 55 years of age or over ☐

I have 2 or more year of pension scheme membership ☐

I understand that if approved, I am required to reduce my hours by a minimum of 25% or reduce my grade by at least one grade. ☐

I understand that flexible retirement involves the early payment of my pension benefits which may, in full or part, be subject to actuarial reduction ☐

I understand that flexible retirement will constitute a permanent contractual adjustment until my final retirement date. ☐

I understand all flexible retirements are considered by EMT in the light of service delivery needs and the Council's overall aims and objectives. ☐

Please complete either Option 1 or Option 2

### Option 1

I wish to apply for flexible retirement and reduce my contractual working hours of work by a minimum of 25%. ☐

My current contractual hours of are  per week

My proposed contractual hours are  per week

DAYS	HOURS	TIMES WORKED
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

### Option 2

I wish to apply for flexible retirement based on a reduction in my salary grade\* and maintaining my current working hours. I understand if approved I need to successfully secure via a recruitment process an alternative position, at least one grade beneath my current contractual grade. ☐

**\*Reduction in salary grade** - This may emerge as part of a service restructuring or through application for another job in the Council.

You will have to seek prior approval for flexible retirement. You should identify during application stage that you wish to apply for the (lower graded) position as part of a flexible retirement request.

### Commencement

I am providing a minimum of 3 months' notice and request my flexible retirement takes effect from (state date)

### Business Case – Employee

For flexible retirement to be granted by EMT it should be mutually beneficial to both the employee and the council. Please detail below how you think your request for flexible retirement would be mutually beneficial to both you and the council.

### Other relevant information

If applicable, please include detail of any welfare or wellbeing issues that are pertinent to your request

### Confirmation of Application request

Employee Signature:

Date:

Once complete pass this form to your line manager along with any supporting documentation



**Employee:**

Please detail below how you think your request for flexible retirement would be mutually beneficial to both you and the council. How you think your request for flexible retirement will impact on the council, if granted and how that impact could be dealt with. Consider the cost, impact of any proposed new work pattern on the Service, ability for Service to continue to perform, staff resources etc

<b>Line Manager : Name.....</b>	
Business case for initial consideration by the Assistant Director of Service setting out the savings to be achieved, as appropriate, should the request be granted and providing details of how work will be reallocated within the department/team.	
Strain Payment: Essex Pension estimate (from HR) £.....	
Line manager: Signature: ..... Date:	
Assistant Director: Name .....	Signature:                      Date:
Business case:	
Human Resources to submit to EMT for inclusion on their agenda	
Assistant Director of HR and OD: Name:	
Signature:	Date: