



Northern Ireland  
Assembly

## SECTION 3.12

# FLEXIBLE WORKING AND PARTIAL RETIREMENT PROCEDURES

### Introduction

1. Flexible working opportunities can benefit everyone: employers, employees and their families. The Northern Ireland Assembly Commission (the Assembly Commission) recognises that flexible working arrangements can assist with the retention of skilled staff and reduce costs; to raise staff morale and reduce absenteeism; and to react to changing business needs more effectively. For staff, the opportunity to work flexibly can greatly improve their ability to balance home and work responsibilities.

The aim of flexible working is to:

- Try to meet an individual's need to work less than the standard week, or change their working pattern, by considering individual requests in light of the job that person is doing, the impact on the work of the office, service to customers, and the needs of other staff in the office;
- Look for other options if the request cannot be met; and
- Make sure that staff taking advantage of flexible working have the same opportunities for development, promotion and progression as those staff working traditional full time patterns.

### Legislation

2. The Flexible Working and Partial Retirement Procedures reflect the legal right to flexible working set out in The Employment Rights (Northern Ireland) Order 1996 as amended. With effect from April 2015, any employee with at least 26 weeks' continuous service has the legal right to request flexible working and to have their request considered.
3. Under the Disability Discrimination Act 1995 (DDA), the Assembly Commission has a legal duty to make reasonable adjustments for employees with a disability covered by DDA, as advised by the Occupational Health Service (OHS). Should OHS recommend flexible working as a reasonable adjustment under DDA, the flexible working arrangement will be considered and managed within the Policy and Procedures for [Managing Attendance](#).

### Scope

4. The Assembly Commission values and respects the diversity of its workforce. These procedures provide guidance to staff on what options are available to work flexibly and how to apply for flexible working patterns. All Assembly Commission staff who have completed 26 weeks' continuous service by the date of their

application can apply to vary their contract and apply for flexible working under the terms of these procedures.

## Data Protection

5. The Assembly Commission is a Data Controller under the terms of the General Data Protection Regulations and Data Protection Act 2018. Documentation relating to the Flexible Working and Partial Retirement Procedures will be held in accordance with legislation.

## Ways of Working

6. The standard working pattern of approximately 9.00am to 5.00pm, from Monday to Friday, defines the boundaries of traditional business hours. It is recognised that, to operate efficiently and effectively as an organisation, a core staff must be available throughout these hours to carry out the business. However, Management will endeavour to combine staff working normal conditioned hours, with those working flexibly, where business need can accommodate such arrangements.
7. Flexible working can be defined as any working pattern other than the normal working pattern in the Assembly Secretariat. A request for flexible working may be to start half an hour later each morning to allow an employee to leave a child to school, or may involve a more significant change to the work pattern. The most common ways of working flexibly include:
  - **Part-time working:** this applies to any arrangement that involves a reduction in the standard number of hours worked.
  - **Job-sharing:** typically involves two people employed on a part-time basis, but working together to cover a full-time post. Both share the same tasks and responsibilities, and have joint responsibility for the whole job.
  - **Job-splitting:** the individual tasks of one job are divided between two individuals by subject matter. Each job-split partner has sole responsibility for certain elements of work. Less overlap is required than would be expected in a job-share arrangement.
  - **Staff Hours at Work Policy:** gives employees flexibility regarding their actual working hours, outside certain core times.
  - **Compressed hours:** allows an individual to work their total number of agreed hours over a shorter period. For example, full weekly hours may be worked over four days instead of five.
  - **Staggered hours:** allows an employee to start and finish their day at different times, while maintaining full time hours.
  - **Term-time working:** allows an employee to have a period of unpaid leave of absence during school holidays and/or periods of recess (July/August). The reduced salary (i.e. full time salary less the number of week's unpaid leave) is divided by twelve, and paid each month in the normal way. As term time working is a form of reduced hours, annual leave and public and privilege holiday entitlement is recalculated on a pro rata basis. For the purpose of this policy, term-time working is normally deemed to include up to 7 weeks' unpaid leave during July and August, and a further 2 weeks' unpaid leave to be taken at other holiday times.
  - **Working at home:** staff may make application using this Policy to undertake part or all of their duties at home. Because of the nature of the business of the Assembly Secretariat, posts in which working at home can be accommodated are very limited. In determining whether an application for working at home can be approved, Heads of Business must consider whether duties can be performed and adequately managed away from the workplace, the cost of Assembly Commission approved technology needed to support home working, and any health and safety implications. Working at home, or anywhere outside of Parliament Buildings, automatically involves a higher risk to information security, especially if a staff member is required to access or process personal, sensitive or confidential information in carrying out their work.

## The Procedure

8. Changes to your working pattern should not be entered into lightly. **In the case of any form of reduced hours working, staff should be aware that there will be an impact on their salary, annual leave, public**

**holidays and pension.** Advice in relation to the impact on an individual's contract of employment, including annual leave, salary and pension may be obtained from Human Resources (HR) Office.

9. The procedure set out in this policy for dealing with flexible working applications follows the relevant provisions of the Employment Rights (Northern Ireland) Order 1996. A flowchart summarising the procedure, and the associated timescales, may be found at [Annex A](#).
10. **Staff should note that they must have completed 26 weeks' continuous service by the date of their application and only one application for flexible working can be made in any 12-month period (this provision applies even if an application is refused). However, where staff consider that a change to their flexible working pattern will be necessary immediately after the 12-month period, they should advise their Head of Business (AG4 or above) at the earliest opportunity. Where a second application becomes necessary within 12 months and this is related to a disability or medical condition, it may be considered a reasonable adjustment to allow an early application. In such cases, advice should be sought from HR Office.**

## Completing the Application

11. [Form FW1 \(Annex B\)](#) should be completed by any member of staff wishing to apply for flexible working (because only one application may be made in any 12 month period, staff should consider informally discussing their preferred working pattern with their Head of Business, before formally submitting form FW1). The application should be submitted to their Head of Business as early as possible, and in any event at least three months in advance of the date on which the applicant wishes to commence working flexibly.
12. The level of detail required in the application will depend on the desired changes to the existing work pattern. In all cases it is in the applicant's interests to be as clear and helpful as possible.
13. The application form provides the applicant with the opportunity to set out why, in their view, the preferred working pattern is compatible with the business. It must include an explanation of what effect, if any; the applicant thinks the proposed change will have on the office and how this effect can be managed. It is in the applicant's interest to fully consider these matters before submitting their application. The application form must be dated and signed.

## Impact on the Contract of Employment

14. If the application is approved, the change to the applicant's contract of employment is deemed to be permanent, unless otherwise agreed by both parties.
15. Staff may during their employment require temporary flexibility in their work pattern, for example working shorter days for 3-6 months to enable them to undertake caring responsibilities for a sick child or dependent. A request for a temporary change in working pattern can be made under the Flexible Working Policy – temporary will normally be defined as 12 months or less. If the application is approved, the hours of work can be reviewed periodically with line management to ensure that the needs of the employee and the business continue to be met. If necessary, the temporary working pattern can be adapted during the review period. When a member of staff applies for flexible working on a temporary basis (normally defined as 12 months or less), there is no permanent change to their terms and conditions of employment and they may revert to full-time working at the end of the agreed period of flexible working.
16. When a member of staff applies for a permanent change to their working pattern and the application is approved by the Head of Business, this will become a permanent change to the contract of employment (unless otherwise agreed by both parties). If the flexible working application is approved subject to an initial trial/review period, the change to the contract of employment will not be permanent until the review period is complete and all parties are satisfied that the arrangement is suitable. **Once a permanent change has been made to the contract of employment, staff should be aware that there is no automatic entitlement to revert to full-time working.**
17. Staff who changed their terms and conditions of employment through a flexible working application made under this Policy, are entitled to make another application under this Policy to return to full time working or to further change their flexible working pattern, provided at least 12 months has passed since their last application.

## Considering the Application

18. The application will be considered to have been made on the day it was received by the employer. For applications sent electronically (read receipts should be requested) this is taken to be the day of transmission. The Head of Business should acknowledge receipt of the application in writing within five days.
19. In the event that the application form has not been fully completed, the Head of Business should inform the applicant what they have omitted and ask them to re-submit the application when complete. They should also advise the applicant that the application will only be considered when it is re-submitted.
20. Having received a fully completed application form, the Head of Business must hold a meeting with the applicant within 28 days to consider and discuss the application. The applicant may be accompanied at this meeting by a work colleague or Trade Union representative. The applicant's companion may address the meeting, and confer with the applicant during it, but may not answer questions on behalf of the applicant.
21. The Head of Business should consider the application carefully, including how the preferred working pattern might be granted in full. Annex C provides information on issues that the Head of Business should consider in determining whether the flexible working can be accommodated. The Head of Business should also refer to their Director, who may provide a perspective on work carried out in other areas of the Directorate. If following careful consideration of the request, the Head of Business determines that the preferred work pattern may not be accommodated in full, they should consider whether an alternative work pattern might be possible.
22. When considering an application which involves working at another location, including home working, the Head of Business should liaise with the Head of Finance in relation to any insurance implications. In addition, they must ensure that, if the application is granted, adequate arrangements can be put in place to ensure the security of Assembly Commission information and compliance with all legislation pertaining to information management and security. The Head of Business should discuss this issue with the staff member at the meeting.

## The Meeting

23. The meeting provides opportunity for the Head of Business and applicant to discuss the desired work pattern in depth and consider how it might be accommodated. Both parties should be prepared to be flexible. If the requested work pattern cannot be facilitated, the meeting also provides opportunity to consider an alternative arrangement that may be acceptable to those involved. The Head of Business and applicant may mutually agree a trial period, after which the revised work pattern should be reviewed. Guidance on preparation for the meeting, for the Head of Business and the applicant, may be found at [Annex C](#).
24. An applicant who is unable to attend the meeting without prior notification should contact the Head of Business as soon as possible to explain their absence, and allow the Head of Business to arrange another mutually convenient date. Where an applicant fails to attend two meetings, and does not provide a reasonable explanation, the application will be treated as withdrawn. The Head of Business should confirm to the applicant, in writing, that the application is withdrawn. No further application may be made within twelve months.

## Approving the Application

25. The Head of Business must inform the applicant of their decision to approve the application in writing within 14 days of the meeting, using form [Section B of FW1 attached at Annex B](#). If the request is approved, the notification to the applicant must include a description of the new working pattern, and the date on which the new arrangements will take effect. Where the arrangement will be reviewed after a trial period, or after 12 months, the Head of Business must confirm the date by which the review will be conducted. The confirmation of approval of the application must be signed and dated by the Head of Business. If the approval of the application will lead to any form of working outside of Parliament Buildings, it is the responsibility of the Head of Business to ensure that a risk assessment is carried out on the proposed work station, if appropriate. The Head of Business should liaise with Building Services in this regard.
26. The Head of Business should forward copies of all documentation to HR Office to facilitate required changes to the contract of employment and salary. HR Office will issue a revised contract of employment within 10 working days of receipt of this confirmation. If the new work arrangement involves home working or any other working outside Parliament Buildings, the Human Resources Office will also provide the staff member with specific information and guidance on information security arrangements when working outside Parliament

Buildings. In addition, the Human Resources Office will advise the Head of Finance of the new arrangements, for insurance purposes.

27. If at any stage the Head of Business requires more time to consider the request for flexible working, or an alternative work pattern discussed at the meeting, they should obtain the consent of the applicant to extend the 14 days response time, using [Form FW5 at Annex G](#). In these circumstances the extension is likely to be in the applicant's interests, and he/she should be receptive of such a request. The Head of Business should fully record the agreed extension, including the stage in the application process to which the extension refers, and the date on which it will end. A copy of the completed [FW5](#) should be provided to the applicant.

## Refusing the Application

28. Before refusing an application for flexible working, the Head of Business must have considered the application carefully, including how the flexible working pattern might be fully or partially granted. However, an application can be refused where there is a clear business reason for doing so. The business grounds for refusal must be from one of those listed below.

- Burden of additional cost;
- Detrimental effect on ability to meet customer demand;
- Inability to reorganise work among existing staff;
- Inability to recruit additional staff;
- Detrimental impact on quality;
- Detrimental impact on performance;
- Insufficiency of work during the periods the employee proposes to work; and
- Planned structural change.

29. **If for one of these reasons the application cannot be approved, and an alternative work pattern has not been agreed, the line Head of Business must inform the applicant of their decision within 14 days of the meeting, using [Section C of form FW1 at Annex B](#). In addition to providing the specific business ground(s) for refusal of the application, the Head of Business must include a written explanation as to why the business ground(s) applies in the circumstances.**

30. It is important that the written explanation clearly sets out the rationale for refusal. The length of the explanation will vary depending on the circumstances of the application. All facts relied upon in the explanation must be accurate.

31. [Form FW1](#) advises the applicant of their right of appeal to the Head of Human Resources.

## The Appeal Process

32. Where an application has been refused, the completed [FW1](#) should make clear to the applicant why the request has been refused, the business grounds for refusal and the supporting explanation. However, there may be occasions where the applicant believes that their request has not been properly considered, and may want to appeal.

33. In such circumstances, the applicant should submit an appeal to the Head of Human Resources within 14 days of notification that their application has been refused. [Form FW2 at Annex D](#) should be used for this purpose. The applicant must set out the reasons for the appeal, and sign and date form [FW2](#).

34. There are no constraints on the grounds under which an appeal can be submitted. The applicant may wish to challenge a fact quoted by the Head of Business in refusing an application, to draw attention to new information that was not available when the application was being considered, or that the application was not processed in accordance with this policy.

35. The Head of Human Resources (or a Senior HR Manager at AG5 or above appointed by the Head of Human Resources) must meet with the applicant within 14 days of receiving the appeal. The applicant is entitled to be accompanied at the meeting in accordance with paragraph 20. The purpose of the meeting is to discuss the applicant's grounds for appeal as set out in form [FW2](#).

36. In circumstances where the applicant fails to attend the appeal meeting, the procedures set out at paragraph 24 will apply.

## Outcome of the Appeal Process

37. The Head of Human Resources/Senior HR Manager must inform the applicant of the outcome of the appeal within 14 days of the meeting, using form [FW3 at Annex E](#). HR Office will provide a copy of the completed [FW3](#) to the Head of Business for information.
38. If the appeal is upheld, the written decision of the Head of Human Resources/Senior HR Manager will include a description of the new working pattern and the date on which the new pattern will become effective. HR Office will issue a revised contract of employment within 10 working days.
39. If the appeal is dismissed, the notification from the Head of Human Resources/Senior HR Manager will set out the basis for the decision, appropriate to the applicant's grounds for appeal, and an explanation as to why the business grounds for refusal apply in the circumstances.
40. The written notice of appeal outcome ([completed form FW3](#)) constitutes the final decision in relation to the application, and is effectively the end of the formal procedure. If the appeal is not upheld, the flexible working application will be retained on file in HR Office and will be considered for future flexible working opportunities that may arise in the Assembly Secretariat.

## Lateral Transfer to Facilitate Flexible Working

41. Where flexible working cannot be facilitated within the current post, and the applicant is prepared to transfer to another office in order to facilitate their preferred work pattern, they should complete Form [FW4, Annex F](#), detailing up to three preferred locations.
42. HR Office will formally approach the Head of Business of each preferred location, to consider whether the transfer can be facilitated. The Head of Business should respond to HR Office within 14 days, using [Section B or C of the FW1](#) Form to accept or refuse the transfer request.
43. An HR Office representative will, within 28 days of receipt of the [FW4](#), meet with the applicant and advise them of the decision.
44. Where it is not possible to facilitate a lateral transfer to accommodate a flexible working request, the applicant may complete a [Skills Profile](#) form and join the redeployment register under the Work/Life Balance category.

## Extension of Time Limits

45. There will be exceptional occasions when it is not possible to complete a particular part of the procedure within the specified timescale. Such extensions can only take place where they are agreed by the Head of Business and the applicant. The Head of Business will formally record the extension using [Form FW5, Annex G](#), detailing the stage in the application process that the extension relates to and the date on which the extension ends. A copy of the completed [FW5](#) should be provided to the applicant.
46. Where the application is sent to the Head of Business who will deal with the application, and the Head of Business is absent from work due to leave or illness, an automatic extension will apply. The period, in which the Head of Business must arrange the meeting will commence either on the day of their return, or 28 days after the application is submitted, whichever is sooner.

## Circumstances in which an application may be treated as withdrawn

47. An application may be treated as withdrawn where the applicant fails to attend two meetings with the Head of Business (or Head of HR/Senior HR Manager at appeal stage), without providing reasonable explanation. In addition, the applicant may choose to withdraw their application, in writing, at any stage in the process.
48. If an applicant unreasonably refuses to provide information required for the purpose of the application, the application may also be treated as withdrawn. For example, where the application involves home working, and the Assembly Commission's Health and Safety Officer is refused access to home working facilities to conduct a risk assessment, the application will be treated as withdrawn.
49. In all circumstances, the Head of Business should confirm to the applicant in writing that the application is withdrawn. **Staff should note that a further application for flexible working will not be considered within 12 months.**

## Partial Retirement

50. Partial Retirement is a permanent change impacting on both pay and pension, so staff should carefully consider the information provided in the information booklet to determine whether it is the correct choice for them.
51. Partial retirement is available to members of the classic, classic plus, premium, nuvos and alpha pension schemes. It is not available to those with a partnership pension. Partial retirement enables staff to apply to “reshape” their job, so that their earnings can be reduced by at least 20%, to allow them to draw some or all or their Civil Service pension and remain in work. An information booklet and application form may be obtained from the PCSPS(NI) website using the following links: [Partial Retirement Guide](#) and [Partial Retirement Application Form](#).
52. An application for partial retirement is a 2 stage process. In the first instance, staff should complete the Application for Job Reshaping under Partial Retirement found at [Annex H](#) setting out how their job may be reshaped to facilitate partial retirement. This request should be made to the Head of Business.
53. In deciding whether this application can be facilitated, the Head of Business will consider if/how the preferred working pattern can be facilitated within the applicant’s current post, or if not, within the wider business area. If the application can be facilitated, the Head of Business must notify HR Office of the intended start date. HR Office will issue revised terms and conditions of employment to the employee.
54. If an application is declined and the applicant wishes to appeal the decision, the procedure set out in paragraph 32-40 will apply.
55. Where partial retirement cannot be facilitated within the current post, and the applicant is prepared to transfer to another office in order to facilitate their preferred work pattern, they should complete Form [FW4, Annex F](#), detailing up to three preferred locations. HR Office will formally approach the Head of Business of each preferred location, to consider whether the transfer can be facilitated. The Head of Business should respond to HR Office within 14 days, using [Section B or C of the FW1](#) Form to accept or refuse the transfer request.
56. An HR Office representative will, within 28 days of receipt of the [FW4](#), meet with the applicant and advise them of the decision.
57. Once the reshaped job is agreed, you should complete the PCSPS(NI) Partial Retirement Application form referred to in paragraph 51. HR Office will ensure that all relevant information is provided to Civil Service Pensions.
58. You may also be interested in section [2.02 Retirement on Age Grounds](#).

## General Information

59. This version of the Flexible Working and Partial Retirement Procedures is effective from 15 August 2019. Enquiries in relation to the Procedures should be referred to the Human Resources Office.

## Related Policies, Guidance and Forms

[Annex A - Flow Chart – How does the flexible working application process work.](#)

[Annex B – Application Form for Flexible Working.](#)

[Annex C – Guidance on Preparation for the Meeting.](#)

[Annex D – Flexible Working – Appeal Form.](#)

[Annex E – Flexible Working – Appeal Reply Form.](#)

[Annex F – Flexible Working – Lateral Transfer Form.](#)

[Annex G – Flexible Working – Extension of Time Limits Form.](#)

[Annex H – Application Form for Partial Retirement](#)