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Iain Phillips      Chief Executive

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7<sup>th</sup> December 2006

Dear Councillor,

I hereby give you Notice that a Special Meeting of the **CENTRAL RESOURCES COMMITTEE** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, CROOK** on **FRIDAY 15<sup>TH</sup> DECEMBER 2006** at **10.00 A.M.**

### AGENDA

	Page No.
1. Apologies for absence.	
2. To consider the draft Disability Equality Scheme.	1 - 40
3. To consider the introduction of a Flexible Retirement Policy.	41 - 48

Yours faithfully

**Chief Executive**

Members of this Committee: Councillors Mrs Brown, Mrs Burn, Grogan, Harrison, Hayton, Mrs Jones\*, Kay, Kingston, Laurie, McKellar, Mews, Mowbray, Murphy\*, Mrs Pinkney, Stonehouse, Taylor and Mrs Todd.

\*Ex-officio, non-voting capacity

Chair: Councillor Hayton

Deputy Chair: Councillor Mrs Pinkney

TO: All other Members of the Council for information  
Management Team



WEAR  
VALLEY  
DISTRICT COUNCIL

## SPECIAL CENTRAL RESOURCES COMMITTEE

15 DECEMBER 2006

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### Report of the Strategic Director for Resource Management **DISABILITY EQUALITY SCHEME**

#### **purpose of report**

1. To consider the draft Disability Equality scheme.

#### **background**

2. The Disability Equality Duty is a new way for public authorities to tackle disability discrimination in a practical way by introducing policies that actively promote opportunities and so prevent discrimination taking place.
3. This new legal duty will mean that any public body will need to actively look at ways of ensuring that disabled people are treated equally. A similar duty was introduced on race equality a couple of years ago.
4. This new law requires organisations across the public sector (including hospitals, local and central government, schools and colleges) to be pro-active in ensuring that disabled people are treated fairly.
5. However, this duty is not necessarily about changes to buildings or adjustments for individuals, it is all about including equality for disabled people, into the culture of public authorities in practical and demonstrated ways. This means including disabled people and disability equality into everything from the outset, rather than focussing on individualised responses to specific disabled people.

#### **outline of the duty**

6. The basic requirement for a public authority when carrying out their functions is to have due regard to do the following:
  - Promote equality of opportunity between disabled people and other people.
  - Eliminate discrimination that is unlawful under the Disability Discrimination Act.
  - Eliminate harassment of disabled people that is related to their disability.
  - Promote positive attitudes towards disabled people.

- Encourage participation by disabled people in public life.
  - Take steps to meet disabled people's needs, even if this requires more favourable treatment.
7. 'Due regard' means that authorities should give due weight to the need to promote disability equality in proportion to its relevance.

### **stages involved**

8. The following is an outline of the key stages involved:

(i) Stage 1 - Involving Disabled People

At the heart of the Disability Equality Duty is the requirement to involve disabled people in producing the Disability Equality Scheme including the action plan. This has to happen at the very outset and many public authorities will have little experience of involving disabled people so this is the place to start.

(ii) Stage 2 - Mapping

It is essential for a public authority to have some idea of how they are currently performing on disability equality to inform their Disability Equality Scheme. Mapping current performance areas for improvement can help identify further actions.

(iii) Stage 3 - Action Planning

The essential elements that the Disability Equality Scheme must include are:

- A statement of how disabled people have been involved in developing the scheme.
- The action plan.
- Arrangements for gathering information about performance of the public body on disability equality.
- Arrangements for assessing the impact of the activities of the authority on disability equality and improving these when necessary.
- Details of how the authority is going to use the information gathered, in particular in reviewing the effectiveness of its action plan and preparing subsequent schemes.

(iv) Stage 4 - Impact Assessment

One of the key ways of embedding disability equality into the policies and activities of a public authority is to systematically undertake disability equality impact assessments. Public authorities have to set out how they will do this within the Disability Equality Scheme.

**draft statement**

9. A draft statement is shown at Annex A which incorporates the above requirements. It also incorporates the Action Plan at Annex B, letter at Annex C and questionnaire at Annex D to be sent to respondents on request.

**human resource implications**

10. The Council has included in its budget the post of Equality and Diversity Officer. This post will have responsibility for driving forward this agenda. There will also be a need to develop an inter-departmental group of officers to embed equalities into day to day workings of the Council.

**financial implications**

11. The post of Equality and Diversity Officer is included in the budget. A corporate training budget is available to support the training of staff.

**legal implications**

12. This issue is non-negotiable. There is a need to have a policy in place and carry out the various stages identified in the report.

**RECOMMENDED** that Members agree the Disability Equality scheme as detailed in the attached annexes.

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**Officer responsible for the report**

Gary Ridley  
Strategic Director for Resource  
Management  
Ext 227

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**Author of the report**

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Management  
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WEAR  
VALLEY  
DISTRICT COUNCIL

## SPECIAL CENTRAL RESOURCES COMMITTEE

15 DECEMBER 2006

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### Report of the Strategic Director for Resource Management **FLEXIBLE RETIREMENT**

#### **purpose of report**

1. To seek Member agreement to the introduction of a Flexible Retirement policy for the Authority.

#### **background**

2. As a result of changes introduced in April 2006 relating to pensions, a number of flexibilities are now available to members of the Local Government Pension scheme. One such flexibility relates to flexible retirement. The basic elements of flexible retirement are as follows:
  - It is only possible following a reduction in either hours worked or grade.
  - The employer needs to give their consent.
  - It is intended that it will help retain skilled employees remaining with the employer.
  - It is only available from age 50+.
  - It avoids the “cliff edge” of retirement.
3. However, it is not cost neutral therefore any request for flexible retirement will need to be justified in terms of cost compared to the impact upon service delivery. Annex E contains the Council’s draft policy and covers all relevant issues.

#### **financial implications**

4. Where an individual requests, and is given, flexible retirement there will be a cost to the Council. This cost will be dependent upon the individual’s circumstances at that time and will be based on figures received from the County Council Pension Fund. This will be a key factor in determining whether to allow the flexible retirement. Apart from the above, there will be no other costs from implementing a flexible retirement scheme.

## human resources implications

5. There will be a need to publicise this, including consulting with trades unions. In particular, publicity will need to be targeted at staff over the age of 50 who may wish to take advantage of the flexibility scheme.

**RECOMMENDED** that Members agree to the Annex.

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**Officer responsible for the report**

Gary Ridley  
Strategic Director for Resource  
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Ext 227

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**WEAR VALLEY DISTRICT COUNCIL**

**DISABILITY EQUALITY SCHEME**

**CONTENTS**

1. Foreword
2. Introduction
3. Executive Summary
4. Methodology
5. The Council's Priorities
6. Existing Policies, Strategies and Practices
7. Assessing Compliance with Duties
8. Consultation
9. Access to Information
10. Employment
11. Democratic Participation
12. Monitoring

1. **FOREWORD**

By the Leader and Chief Executive of Wear Valley District Council

Wear Valley District Council is committed to setting excellent standards, as a provider of services and facilities, to all members of the public, and as an employer of people. However, we acknowledge that, at the present time, disabled people do not always have the same opportunities or choices as the rest of the community.

This Disability Equality Scheme for the period 2006-09 outlines how we will work towards standards which will meet the hopes and aspirations of disabled people. It seeks to ensure that we not only meet our statutory obligations, but that our plans and methods of working address the priorities of disabled people.

We believe the benefits of this Scheme and its Action Plan will be reflected in improvements and innovation in service delivery, more positive attitudes towards disabled people, more disabled people participating in public life, and equality of opportunity between disabled people and the rest of the community.

.....  
Neil Stonehouse  
Leader

.....  
Iain Phillips  
Chief Executive

This Disability Equality Scheme can be produced in full on request in an alternative format (e.g. audio tape, Braille, large print) and a summarized version can be produced in a different language.

For more information, please contact:

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## 2. **INTRODUCTION**

There are an estimated 11 million disabled people living in the United Kingdom. The 2001 census revealed that some 11,551 people in the Wear Valley district had a limiting long-term illness, health problem or disability which limited their daily activities or the work they could do. The Disability Rights Commission estimates that, as people are living longer and medical treatments are improving, by the year 2020 one in three people will be living with a physical, sensory or learning impairment.

The Disability Discrimination Act 1995 places duties on all public authorities to promote disability equality. These duties mean that Wear Valley District Council must, in carrying out its functions, have due regard to:

- The need to eliminate discrimination and harassment that is unlawful under the Act.
- The need to promote equality of opportunity between disabled persons and other persons; and
- The need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons

A core requirement of these duties is for the Council to publish, by no later than 4 December 2006, a Disability Equality Scheme (DES) showing how it intends to fulfill its responsibilities.

This is Wear Valley District Council's Disability Equality Scheme. It will seek to ensure that we are taking the needs of disabled people into account in everything that we do – whether that is providing services, employing people, developing policies or communicating with people. It is the intention of Wear Valley District Council to promote equality for disabled people and challenge all forms of discrimination against them – placing equality for disabled people and other disadvantaged groups at the centre of our services.

This Scheme should be read in conjunction with the Council's Race Equality Scheme, Equality and Diversity Policy Statement, Disability Equality Policy and any further policies which the Council is developing around equality and diversity.

### 3. **EXECUTIVE SUMMARY**

This Disability Equality Scheme is a statement of:

- (i) The actions which the Council is taking and proposes to take towards the fulfillment of its general duties within the period of time covered by the Scheme.
- (ii) The Council's methods for assessing the impact of our policies and practices, or the likely impact of our proposed policies and practices on equality for disabled persons.
- (iii) The ways in which disabled people have been involved in its development.
- (iv) The Council's arrangements for gathering information on the effect of our policies and practices on disabled persons and, in particular, our arrangements for gathering information on:
  - (a) The effect on the recruitment, development and retention of our disabled employees.
  - (b) The extent to which the services we provide and those other functions we perform take account of the needs of disabled persons.
- (v) The Council's arrangements for making use of such information to assist us in the performance of our duties and, in particular, our arrangements for:
  - (a) Reviewing on a regular basis the effectiveness of the steps we propose to take.
  - (b) Preparing and publishing subsequent revised Disability Equality Schemes (i.e. by no later than 4<sup>th</sup> December 2009, and every three years thereafter).

#### 4. **METHODOLOGY**

In developing this Disability Equality Scheme, Wear Valley District Council has followed the guidance provided by the Disability Rights Commission in the Statutory Code of Practice on the Duty to Promote Disability Equality.

In practice, this means that the Council has undertaken the following consultation:

- Publicity in Wear Valley Matters.
- Publicity in Northern Echo.
- Publicity on Council's website.
- Council staff informed and invited to participate.
- Questionnaire published on Council's website.
- Countywide consultation event.
- Letter and questionnaire sent to a range of relevant stakeholders.
- Posters/leaflets/flyers produced.

There is a need to identify those policies and procedures which are most likely to affect disabled people and put such policies and procedures into a high, medium and low priority order. There is then a need to carry out impact assessments on the prioritized policies and procedures.

Beyond this, an action plan will be developed to improve service delivery in relation to this scheme.

## 5. THE COUNCIL'S PRIORITIES

The Council's priorities are clearly stated in our Council Plan and are set out below:

- (i) Lifelong Learning – The Council will encourage the development of continuous lifelong learning in Wear Valley.
- (ii) Population – The Council will use its statutory powers, resources and influence to help create a balanced, vibrant and growing population across the whole of the Wear Valley District.
- (iii) Economy – The Council will enable the development of a continuously improving economic infrastructure and environment in Wear Valley.
- (iv) Environment – The Council will aim to secure new public and private investment to improve the built and natural environment.
- (v) Crime – The Council will design its services to increase community safety and crime prevention and work closely with key partners to improve crime reduction.
- (vi) Health – The Council will use its services to help improve the health and well being of Wear Valley residents and promote health lifestyles.

These are supported by the core values of:

- Management Excellence
- Citizen Involvement
- Customer Care
- Community Involvement.

Commitment to equality is one of the key aims stated in the Corporate Plan required to achieve excellence in local service delivery.

The Disability Equality Scheme 2006-09 will be delivered through all the Council's priorities and will assist the Council in demonstrating its core values that will enable it to become an excellent provider of services and an employer of choice.

## 6. **EXISTING POLICIES, STRATEGIES AND PRACTICES**

### **Mainstreaming Equality and Diversity**

Not only has Wear Valley District Council already made a commitment to equality in its Council Plan, it also has in place an Equality and Diversity Policy Statement. The Council has also created the post of Equality and Diversity Officer who will drive forward the disability equality agenda.

This Scheme compliments the Council's Equality and Disability Equality Policy Diversity Policy Statement and Race Equality Scheme. It should be read in conjunction with them and any further policies which the Council is developing around equality and diversity.

### **The Equality Standard for Local Government**

Wear Valley District Council uses the Equality Standard for Local Government framework to mainstream disability equality in all its services, policies and functions.

The District Council has been assessed at level 1 of the Equality Standard, and we are now striving by continuous improvement to achieve level 2 by March 2007. The Disability Equality Scheme will contribute towards the specific strand of 'disability' - in the shaping and the development of the Equality Standard process.

This means that we continuously assess all our policies, practices and procedures to determine whether or not they have an adverse impact on any section of the community. This will be in keeping with the Council's equality commitment towards race, faith, gender, sexual orientation and age.

### **Social Model of Disability**

The Disability Discrimination Act currently defines 'disability' as follows:

A person has a disability if he/she has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.

However, in the past, many public services framed the issue of disability as a 'medical model' where the solutions tended to focus around the idea of curing the person or making them 'better'.

The 'social model' moves beyond this by gearing services to accommodating the needs of disabled people on the basis that we are all equal whether we have a disability or not. By adopting the 'social model', Wear Valley District Council aims to provide a more accessible environment and services for everyone in the community, and for disabled people in particular.

This means that we adopt the principles of inclusive design and inclusive services - wherever possible - in terms of designing, managing and monitoring the built environment and service delivery.

This is also the underlying principle in the Council's Disability Equality Policy.

## **Other existing key policies, practices and functions**

### ▪ **Planning for People with Disabilities**

The Principal Building Control Officer is the Council's Access Officer. The postholder is responsible for Access for Disabled People throughout the District and for establishing links with disabled organisations within the District. The postholder is a member of the Wear Valley Disability Access Forum.

The Building Control Officers implement Part M of the Building Regulations and ensure developments comply with the Disability Discrimination Act and BS8300.

The Council has implemented many of the general practice points contained in the Government's 'Planning and Access for Disabled People – A Good Practice Guide'.

The current Wear Valley District Local Plan contains a policy which, through the planning process is aimed to ensure all development proposals provide reasonable provision for disabled people to gain access to and to use the premises. Also the Plan contains parking standards for disabled people. Since 10 August 2006 a design and access statement must be submitted with most types of planning applications. The statement must include an explanation of the applicant's policy and approach to access, with particular reference to the inclusion of disabled people, and a description of how the sources of advice on design and accessibility and technical issues will be, or have been followed.

### ▪ **Employment Standards**

Wear Valley District Council is authorised by the Employment Service to use the "Two Ticks" Positive about Disabled People Symbol. This means that we are committed to employing people with disabilities and will:

- Guarantee an interview to people with disabilities who meet the minimum criteria for a job vacancy.
- Consult disabled employees about how they can develop and use their abilities at work.
- Make every effort when employees become disabled to keep them in employment.
- Develop key employees' awareness of disability and employment.
- Each year, review achievements in meeting these commitments and let all employees know about progress and future plans.

- Services for Deaf People

The Council has an induction loop system in the Civic Centre. Previously, staff have been trained in deaf awareness issues.

- Asset Management

The Council's Asset Management Plan includes targets for improving the accessibility of the Council's public buildings in accordance with the local authority Best Value Performance Indicator No.156 (the percentage of Council buildings suitable for and accessible to disabled people). As at 31<sup>st</sup> March 2006, the figure was 45%.

An Asset Management Group monitors the Council's performance in ensuring that its public buildings are, as far as possible, compliant with the physical requirements of the Disability Discrimination Act (e.g. the provision of lifts, aids to communication for people who have impaired hearing, disabled persons' toilets).

- Accessible Taxis (Hackney Carriages)

The Council is responsible for licensing hackney carriages and private hire vehicles which operate in the District. 5% of taxis are wheelchair-accessible and a discount of 6% is offered on the annual licence fee to those vehicles.

- Concessionary/Travel Charges

The Council issues Travel Permits for people over 60 years of age and to certain disabled people who are permanent residents of the District. Full details of the Concessionary Travel Scheme can be found in the Concessionary Travel Scheme Leaflet available from the local authority . The Council also offers a travel token scheme for disabled citizens.

- Wear Fit Club (Leisure Card)

Wear Valley District Council has operated the Wear Fit Club since the early 1990s. Membership of the Wear Fit Club entitles users to a discount on entry to the Council's leisure facilities. Since 2002 the Council undertook research with residents in line with the Audit Commission's 'Price is Right' document. The consultation led us to provide a concession for residents on low income and children. In April 2003, disability was included as part of this concession. Concessionary cards are free and proof of benefit or disability along with residency is required. The card discounts most activities by up to 50%.

- Disabled Facilities Grants

The Council administers Disabled Facilities Grants which are available to disabled people who need essential adaptation work carried out to give them greater freedom of movement in and around their home. Further information is available on the Council's website or by contacting 01388 765555.

- Supporting People

The County-wide Supporting People programme, to which the Council contribute enables residents to remain in their own homes. This is done by providing 'housing related support' to vulnerable people, including those with a disability, who need help to find appropriate accommodation, to settle into stable accommodation, to learn to live independently or simply to maintain their current circumstances in their daily lives. People who are supported by the programme are assessed and prioritised according to their needs, which helps to avoid discrimination against those who are disabled or otherwise vulnerable.

- Radar Keys

Radar keys are available from The Disability Forum at a cost of £3.50 each. These keys are only available to people with a disability and give access to toilets throughout the District. Accessible toilets are also available at the Civic Centre.



## 7. **ASSESSING COMPLIANCE WITH DUTIES**

### **Equality Impact Assessments**

The purpose of Equality Impact Assessments is to:

- Reveal the impact of services on different community groups
- Identify whether discrimination is occurring
- Highlight different needs and requirements
- Set a basis for setting equality objectives.

Council policies and practices will be assessed to identify whether they have a different impact on disabled people and whether they will contribute to disability equality.

Designated officers within each service area will identify where an Assessment is required and prioritise policies and practices in terms of low, medium and high impact. An externally developed toolkit is then used to undertake the Assessment. This may involve using:

- Information already available
- Research findings
- Population data, including census findings
- Comparisons with similar policies in other authorities
- Survey results
- Data collected at different stages of a process (for example, when people apply for a service)
- One-off data-gathering exercises
- Specially commissioned research.

### **Employees' Representatives**

Progress around disability equality and diversity is communicated to all staff and the trade unions.

### **Elected Representatives**

Reports are given to elected Members on developments around disability, equality and diversity.

### **Equality Action Plan**

The Council will publish an Equality Action Plan identifying timescales, resources and responsible officers, progress measures, targets and reporting mechanisms. This Action Plan will:

- List which policies will be reviewed and assessed, and indicate the relevance of those policies/functions in terms of disability equality.
- Provide a joined-up overview of how the Council is meeting its equality duties (including those relating to disabled people)
- Demonstrate the progress the Council has made in each of the areas.

## 8. **CONSULTATION**

In order to raise the confidence in our services by disabled people, to improve the way we deliver them and to develop our policies to meet their needs, we have consulted, and will continue to consult, with the community through existing and new forums.

The methodology we adopt will depend on the nature of the consultation and the target audience. It may include:

- Consultation meetings
- Focus groups
- Reference/user groups
- Citizens' Panel
- Public scrutiny
- Survey questionnaires.

If our assessments or consultations show that a proposed policy, practice or procedure is likely to harm disability equality or adversely affect certain disabled people who have different needs, we will:

- Review it to find another way of meeting its aims.
- Consider adapting it.
- Meet these needs either within the proposed policy or through partnerships with other agencies.
- Consider fresh consultations if changes to the policy or practice will be significant.

9. **ACCESS TO INFORMATION**

The Council will seek to ensure that all disabled people have access to information about its services by:

- Ensuring that its website meets the needs of sight-impaired people.
- Using existing networks, newsletters and reference groups in the community.
- Providing information on our services in alternative languages or formats upon request.

A full version of this Disability Equality Scheme will be published on our website and made available to the local community.

This Disability Equality Scheme can be produced in full upon request in an alternative format (e.g. audio tape, Braille, large print) and a summarized version can be produced in a different language.

## 10. **EMPLOYMENT**

### **Staff Training**

To support the Council in meeting its legal duties under the Disability Discrimination Act, and to make our staff aware and confident, they will be provided with training on Equal Opportunities and Customer Care as part of their induction.

Disability Awareness Training and Deaf Awareness Training courses will be offered to staff.

Training is also provided to staff on how to conduct Equality Impact Assessments in their respective service areas and set targets to ensure that they consistently mainstream equality and diversity in their functions, policies, procedures and service plans.

### **Recruitment and Retention of Staff**

Wear Valley District Council aims to work towards a position where disabled people are represented at all levels of the workforce in a proportionate reflection of the actual number of disabled people of working age in the District and, indeed, eventually to become the employer of choice for a significant number of disabled people.

We want to be an organisation where disabled people feel empowered as key contributing employees and, to that end, we have clear standards around recruitment and retention policies to achieve this objective.

We are committed to working to ensure:

- The recruitment and retention of the best people.
- Providing a supportive working environment that is free from harassment and discrimination, and to taking action promptly and effectively if it does occur in the workplace.
- That the ethnic and cultural diversity of the District is reflected and respected throughout the Council.
- That all employees and potential employees are given equal consideration and treatment and are not discriminated against for reason of their disability (or for any other reason).
- That employees are consulted on all aspects of disability equality and understand the Council's obligations set out in the Disability Discrimination Act 1995.
- That advertisements for vacancies in the Council attract a talented and diverse pool of applicants.
- That action is taken to remedy any under-representation of disabled people within the workforce by promoting its vacancies through existing

community networks and working with the local Disabled Employment Advisor.

Wear Valley District Council is achieving its employment commitments by:

- Applying the 'double tick' disability symbol on all job advertisements - meaning that the Council is an organisation which meets national minimum standards for the recruitment of disabled people.
- Making job application forms available in Braille, large print, on disc or on audio tape by request.
- Disabled people being guaranteed an interview if they meet the essential minimum requirements for the post.
- Monitoring trends in the type/number of applicants and acting on this information.
- Making reasonable adjustments to the working environment to allow disabled applicants to be appointed.
- Ensuring that support is given to employees who develop a disability.
- Setting targets for the numbers of disabled staff employed.

Monitoring of applicants and workforce will enable the Council to ensure its equal opportunities policies are effective and help it measure progress. As far as possible, the Council will monitor the recruitment, development and retention of its disabled employees in terms of:

- Staff in post
- Applicants for employment, training and promotion
- Staff receiving training
- Staff involved in grievance procedures
- Staff subject to disciplinary procedures
- Staff who leave the Council's employment.

The results of this monitoring will be published annually.

## 11. **DEMOCRATIC PARTICIPATION**

The Council has a statutory duty under the Disability Discrimination Act to facilitate democratic participation for disabled people (i.e. whether someone wants to be a Councillor, be able to take part in a democratic debate or visit their Councillor in a surgery)

Wear Valley District Council aims to increase participation in the democratic process by:

- Proactively approaching and consulting disabled people on how they would like to be involved in the democratic processes of the Wear Valley District Council.
- Encouraging the development of community leadership programmes.
- Ensuring that disabled people are continually involved in the decision-making process from policy to detail of operation.
- Promoting a culture where disabled people actively seek engagement.
- Ensuring that public meetings are held in fully accessible venues and at times that are likely to suit community members.

## 12. **MONITORING**

Wear Valley District Council will monitor and analyse the effects of its policies, services, procedures and functions for any adverse impact on disability equality. We will do this through:

- Statistical analysis of monitoring data
- Satisfaction surveys
- Random or targeted surveys.
- Meetings, focus groups or other reference groups
- Monitoring complaints.

We will use the monitoring findings to make any necessary changes to the proposed policy, existing policy or service. Changes made will be publicised.

The Council will publish a revised Disability Equality Scheme by no later than 4 December 2009, and every three years thereafter.

## Wear Valley District Council's Equality and Diversity Policy Statement

- In providing services and in employing staff, the Council aims to give equal opportunities, treatment and access to everyone.
- No individual or group of people will be treated less favourably than anyone else in applying for services, for a job, or for a contract with the Council because of their age, colour, disability, ethnic origin, marital status, nationality, race, religious or political beliefs, responsibilities for dependents, gender, sexual orientation, trade union activity, unrelated criminal convictions or involvement in public service.
- The Council will work with the community to identify and seek ways of overcoming barriers which prevent them from using Council services

### Race Equality Scheme

The amended Race Relations Act places a general duty on public authorities to eliminate racial discrimination and promote equality of opportunity for all in all its functions.

Under this duty, we must have due regard to the need to:

- Eliminate unlawful racial discrimination
- Promote equality of opportunity
- Promote good relations between people of different racial groups

The Council's Race Equality Scheme outlines our arrangements to meet the general duty in its functions or policies, service delivery, partnerships and employment procedures and practices.

This means, that we assess the relevance of race relations in all aspects of service delivery and must be aware of the impact this has on the community and take steps to remove any discrimination.

By taking action to promote race equality, we are able to provide evidence to show we are meeting the general duty and are committed to continuous improvement.

### Wear Valley District Council's 'Planning for People with Disabilities'

Wear Valley District Council will:

- Seek to enable the maximum opportunity for access to Council buildings and places by people with disabilities throughout the Borough. This will include a review to existing public buildings and special consideration in the case of Listed buildings.
- Promote adequate provision for people with disabilities within buildings, the spaces between buildings and the approaches to buildings.
- In partnership with Durham County Council we will include access needs of people with disabilities in policies and implementation covering traffic management to achieve the best possible independent mobility.



- Apply Planning and Building Control powers wherever possible, including enforcement where appropriate, in new development to achieve greater mobility and facilities for people with disabilities.
- Inform and advise the public, including developers, about the access needs of people with disabilities.
- Include access for people with disabilities in the aims of programmes for social (including recreational) and economic regeneration and persuade the private sector to provide adequate facilities and design solutions in these projects.
- Co-ordinate grant aid to help people with disabilities in private schemes where financial encouragement proves to be necessary and where corporate financial priorities allow.
- Arrange staff training and promote an understanding of access issues in further education courses.
- Require all Council Service Managers to consult the Access Officer on issues relating to access.
- Recognise the importance of the Disability Forum and require the Access Officer to maintain effective links between the Council and people with disabilities locally by utilising the Disability Forum, and continue to establish links with other relevant groups.
- Include the access needs of people with disabilities in the Borough's Local Development Framework and any other documents issued by the Council.

Department for Communities and Local Government (DCLG) 'Planning and Access for Disabled People' Good Practice Guide

- All parties involved in the planning and development process should recognise the benefits of, and endeavour to bring about inclusive design.
- If a development proposal does not provide for inclusive access, and there are inclusive access policies in the development plan and in supplementary planning guidance, bearing in mind other policy considerations, consider refusing planning permission on the grounds that the scheme does not comply with the development plan.
- Include appropriate inclusive access policies at all levels of the development plan supported by a specific strategic policy. Do not rely on a single access policy.
- Develop and implement supplementary planning guidance as:
  - (a) the definitive inclusive design guidance of the authority or
  - (b) a way of ensuring that inclusive design is a material planning consideration without having to wait for the review or implementation of a full development plan

- Consider the use of planning conditions or section 106 agreements in enhancing the provision for inclusive access in the wider urban environment.
- Encourage pre-application discussions with applicants
- Issue applicants with pre-application guidance notes.
- Amend application forms to make applicants think proactively about inclusive design.
- Applicants are required to submit access statements with their applications.
- Make sure planning officers receive appropriate training on all aspects of an inclusive environment.
- Share expertise and resources with other authorities as necessary. Set up regional or county Access Forums to network and share information across Borough boundaries.
- Encourage regular liaison with local access groups.
- Include appropriate heritage and inclusive access policies in the development plan and any supplementary planning guidance.
- Include appropriate highways policies in the development plan, and ensure these correspond with similar policies set by the statutory highway authority.
- Encourage continuing dialogue between applicants, planning and building control bodies to ensure progressive development of the inclusive design strategy.

#### Accessible Taxis (Hackney Carriages) Policy

Newly-licensed taxis are required to be wheelchair-accessible. All taxis will need to be wheelchair-accessible by 2012.

#### Wear Valley District Local Plan Policies

- Leisure and Recreation

The Council will, wherever possible, ensure that new footpaths and bridleways are suitable for disabled people

- Built Environment

The Council will encourage access for everyone, including wheelchair-users and other disabled people, elderly people, and those with toddlers or infants in pushchairs, and will encourage appropriate provision to meet their needs in all developments.

Applications for development of and, where practicable and reasonable, the change of use or alterations to buildings open to the public and buildings used for employment and education purposes, will normally be required to provide suitable access and facilities for disabled people.

- Housing

To increase the choice of housing available to disabled people, the Council will seek to negotiate agreement with developers to construct a proportion of mobility housing on suitable sites. Such units should be spread throughout the areas of development particularly where there is convenient access to shops, services and public transport.

### **Disability Equality Scheme Action Plan 2006-2009**

The following Action Plan sets out the key actions which Wear Valley District Council will take to promote disability equality. These Actions have taken full account of the Council's consultations with disabled people who are potential employees or service users, as well as those who are already employees and service users.

Consultation has focused on the specific issues of access to key services and facilities, housing, transport and personal experiences of discrimination. The findings form the basis of this Action Plan - together with issues relating to the recruitment and training of Council staff and the monitoring and review of the Disability Equality Scheme.

#### **Access to key services**

<b><u>Action</u></b>	<b><u>Intended Outcome</u></b>	<b><u>Lead Officer</u></b>	<b><u>Timescale</u></b>
Apply the principles of the 'Social Model' definition of disability	Secure inclusive design and services, wherever possible, in terms of designing the built environment and managing service delivery	Access Officer	Continuous
All buildings from which Council services are given or where staff are employed have been subject to an access audit	Create a more accessible and safe built environment for disabled service users and staff	Access Officer and Health and Safety Officer	Continuous
Maintain the Council's website best practice standards for people with a variety of impairments or disabilities	Website to continue to be W3C approved to Standard AA for accessibility	Website Manager	Continuous
Access audit carried out on the Council's play areas cemeteries, parks and open spaces accessible for everyone	To make all of the Council's play areas cemeteries, parks and open spaces accessible for everyone	Access Officer	All accessible by 2008/09

## Housing

<b><u>Action</u></b>	<b><u>Intended Outcome</u></b>	<b><u>Lead Officer</u></b>	<b><u>Timescale</u></b>
Raise awareness of Disabled Facilities Grants	Enable disabled people to remain in their own homes	Housing Strategy Manager	Continuous
Monitor the availability of accessible housing	Establish any shortfall of accessible housing	Housing Strategy Officer	Continuous
To ensure that the Home Improvement Agency grows, improves and succeeds	To provide a continuous streamlined service for customers	Home Improvement Agency Manager	Continuous
Develop and implement a Local Development Framework Policy(s) facilitating 'Mobility Housing' on appropriate sites	Increase the choice of housing available to disabled people where there is a demonstrated need	Principal Forward Planning Officer	Continuous
Monitor the effectiveness of the Local Development Framework Policy on annual basis. (Reported through annual monitoring report)	To have an effective working policy	Principal Forward Planning Officer	Continuous

## Transport

<b><u>Action</u></b>	<b><u>Intended Outcome</u></b>	<b><u>Lead Officer</u></b>	<b><u>Timescale</u></b>
To continue to charge a reduced licence fee for wheelchair accessible taxis	To increase the number of wheelchair accessible taxis	Head of Public Protection	March 2008
Use Planning powers to ensure satisfactory provision of disabled people's parking spaces in all new developments	1 in 20 parking spaces in off-street car parks to be designed and designated for Disabled badge holders	Access Officer	Continuous

## **General duty to promote disability equality**

<b><u>Action</u></b>	<b><u>Intended Outcome</u></b>	<b><u>Lead Officer</u></b>	<b><u>Timescale</u></b>
Achieve Equality Standard Level 2	To put in place the required procedures and mechanisms in order to mainstream disability equality in all services, policies and functions	Principal Personnel Officer /Directors	March 2007
Promote positive attitudes in Council advertising and marketing	Raise community awareness of disability equality	Marketing and Communications Manager	Continuous
Represent the interests of disabled people in the development of both the Community Plan and the Council's Corporate and Service Plans	Reduction of experiences of disability discrimination	Directors	Continuous
Wherever possible, provide practical support for stakeholders' activities which promote disability equality	Raise community awareness of disability equality	Directors	Continuous

## **Recruitment and Training of staff**

<b><u>Action</u></b>	<b><u>Intended Outcome</u></b>	<b><u>Lead Officer</u></b>	<b><u>Timescale</u></b>
Where feasible, include disabled members of staff in Equality Impact Assessment Teams	Ensure that disability issues influence the Impact Assessments	Heads of Service	Continuous
Dissemination to staff of guidelines on the new Disability Equality legislation	Ensure awareness amongst all employees when new legislation is introduced	Principal Personnel Officer	Continuous
Encourage frontline staff to undertake British Sign Language (BSL) training	Frontline staff confident dealing with BSL users	Principal Personnel Officer working in partnership with other Districts and County Council	Continuous

<b><u>Action</u></b>	<b><u>Intended Outcome</u></b>	<b><u>Lead Officer</u></b>	<b><u>Timescale</u></b>
Include the requirements of the Disability Discrimination Act and the Disability Equality Scheme in staff induction and training programmes	Ensure that all employees have the relevant information about the Scheme and the Act commensurate with their post	Principal Personnel Officer/Training Officer	Continuous
Annual reporting and dissemination of employment monitoring information	Production of annual employment trends and development of action plans arising from trend analysis	Principal Personnel Officer	Continuous

### **Monitoring and Review of the Disability Equality Scheme**

<b><u>Action</u></b>	<b><u>Intended Outcome</u></b>	<b><u>Lead Officer</u></b>	<b><u>Timescale</u></b>
Gather and analyse evidence in order to consider disability issues in Equality Impact Assessments of all Council policies and services as they are produced or amended	Determine whether there is any adverse impact on any disabled members of the community and to address any such issues	Heads of Service	Continuous but to be completed by March 2008
Review guidelines for undertaking Equality Impact Assessments	Ensure that monitoring systems continue to be relevant and use current data relating to disabled people	Principal Personnel Officer	Continuous
Corporate Equalities Group to monitor Equality Impact Assessments	Ensure that disability issues are being 'mainstreamed'	Directors	Continuous
Communicate outcomes of Equality Impact Assessments to stakeholders (including website and other communication channels, as appropriate)	Ensure information is made available to stakeholders	Principal Community Strategy & Diversity Officer	Continuous
Publish the Disability Equality Scheme in accessible formats	Raise public awareness in all community groups of the Council's commitment to eliminate discrimination against disabled people	Access Officer	December 2006

<b>Action</b>	<b>Intended Outcome</b>	<b>Lead Officer</b>	<b>Timescale</b>
Publish an Annual Report of the Action Plan tasks	Demonstrate progress made as a result of the Scheme	Access Officer	First Report to be made by April 2008
Undertake a further consultation working closely with the Disability forum	Provide comparative comprehensive information regarding disabled people's concerns and aspirations	Principal Personnel Officer/Access Officer	December 2008
Review and publish a revised Disability Equality Scheme	Ensure the continuing relevance of the Scheme	Chief Executive	December 2009



Our Ref: DCR/AF/SB

16 February 2007

Dear Service User

The aim of this consultation exercise is to consider how accessible public services are to people with, or who help care for people with, a disability and how services may be improved to better accommodate their needs.

Disability is defined as “A physical or mental impairment, which has a substantial and long term adverse effect on his/her ability to carry out normal day to day activities” and includes (but is not limited to):

- Physical impairment, such as using a wheelchair.
- Sensory impairments, such as sight and hearing.
- Mental impairments, such as learning disabilities, depression or schizophrenia.
- Learning disability or cognitive impairment.
- Some severe disfigurements.
- Some conditions that may be progressive or long standing, such as cancer, diabetes, multiple sclerosis and HIV/AIDS.

It is vital that we have a comprehensive response to this very important questionnaire so that the Council can target the areas of concern for you and bring about positive change. We welcome your views and are keen to involve you in further consultation should you wish to be included.

We intend to publicise our findings in our respective Disability Equality Schemes, which will include action plans to address areas that need improvement.

Please return the completed questionnaire by 29 December 2006.

If you would like further information on the Disability Equality Duty please go to the Disability Rights Commission website at [http://www.drc.org.uk/employers\\_and\\_service\\_provider/disability\\_equality\\_duty.aspx](http://www.drc.org.uk/employers_and_service_provider/disability_equality_duty.aspx)

If you would like any help in completing the questionnaire or have any enquiries please contact Angela Foster, Principal Personnel Officer on 01388 761925.

We hope that you can assist us and thank you in advance for your help.

1. **How often do you use the following forms of transport?**

	Daily	At Least Once A Week	At Least Once month	Less Than Once A Month	Never
Buses					
Taxis					
Own Car					
Powered Wheelchair					
Cycle					
Walk					
Other					
Please state					

2. **How do you rate the physical accessibility of each of the following forms of transport in general?**

	Fully Accessible	Fairly Accessible	Fairly Inaccessible	Not At All Accessible	Don't Know
Buses					
Taxis					
Other					
Please state					

Comment:

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3. **In what type of housing do you live?**

A house, bungalow or flat that you own	
A house, bungalow or flat that you share with parents/relatives/friends	
A house, bungalow or flat that you rent	
Residential accommodation e.g. a 'care home'	
Other accommodation	
Homeless	

4. **If you rent your accommodation, please tick the box that best describes your current living arrangements**

Rented from a private landlord	
Rented from a Housing Association/Social Landlord	
Supported housing in the community (e.g. a group home)	
Bed & Breakfast/Hotel accommodation	
Other rented accommodation	

5. **If you live in residential accommodation please tick the box that best describes your current living arrangements**

Residential accommodation for older people	
Residential accommodation for disabled people	
Long-term hospital accommodation	
Other residential accommodation	

6. **Has your accommodation been specially designed or adapted to meet the needs of a disabled person?**

Yes	
No	

Comment:

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7. **How satisfied are you that the accommodation in which you currently live meets your needs as a disabled person?**

Very satisfied	
Fairly satisfied	
Neither satisfied nor dissatisfied	
Fairly dissatisfied	
Very dissatisfied	
Don't know	

Comment:

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8. **If you need any of the following types of support in your day-to-day life, please indicate how those needs are met**

	Service from, or paid for by local authority or NHS	Through use of a direct payment or the Independent Living Fund	Disability Organisation	Unpaid family or informal support	Needs Are not met
Housework					
Shopping					
Personal Care					
Communication					
Health Professional					
Advocacy/Advice					
Travel					
At work					
Other					

9. **Thinking about the District of Wear Valley, in your view how physically accessible are the following facilities?**

	Fully Accessible	Partially Accessible	Not Very Accessible	Not Accessible At All	Do Not Use/ Don't Know
Your GP Surgery					
Your Dentist					
Health Care Centre					
Cinema/Theatre					
Local Post Office					
Your Bank/Building Society					
Your Local Library					
Your Local Shops					
Crook/Bishop Auckland Markets					
Sports & Leisure					
Local Parks/Play Areas					
Street Environment					
Parking for shopping in Crook					
Parking for shopping in Bishop Auckland					

	Fully Accessible	Partially Accessible	Not Very Accessible	Not Accessible At All	Do Not Use/ Don't Know
Parking for shopping in other areas					

Comment:

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10. **If there are reasons related to your impairment why you are unable to undertake any of the following activities (or which limit how often you do so then please tell us**

	Physical access to the building	Lack of support	Lack of accessible transport	Other	Attend as often as I wish
Go to cinema/theatre					
Go to a sporting event					
Participate in sport					
Go shopping					
Go to a restaurant					
Go to a pub					
Go to a nightclub					
Go to a concert					
Go to a place of worship					
Visit friends in their house					
Other					
Please state					

Comment:

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11. **How often, if at all, do you feel that you experience discrimination because you are a disabled person?**

At least once a week	
At least once a month	
Less than once a month	
Never	

Comment:

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12. **If you have used any one of the following organisations to support you in accessing your rights or getting your voice heard how satisfied were you with the results?**

	Very Satisfied	Fairly Satisfied	Neither	Fairly Dissatisfied	Very Dissatisfied
Disability Rights Commission					
Citizens Advice Bureau					
A Solicitor					
2D					
Local Authority					
Other					
Please state					

Comment:

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13. **How often do you use the following services of facilities provided by Wear Valley?**

	At Least Once a Week	At Least Once A month	Less Than Once A Month	Never
Civic Centre - Cash Office				
Civic Centre – Benefits				
Civic Centre – First Stop Shop (including Planning)				
Civic Centre – Housing				
Glenholme Leisure Complex				
Woodhouse Close Leisure Complex				
Old Bank Chambers, Bishop Auckland				
Woodhouse Close Neighbourhood Office, Bishop Auckland				
Bishop Auckland Town Hall				
Stanhope Town Hall				
Willington Resource Centre				

Comment:

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14. **If you have used any of the following Wear Valley facilities in the last six months, how accessible were they in terms of physical access?**

	Fully Accessible	Partially Accessible	Not Very Accessible	Not Accessible At All	Do Not Use/Don't Know
Civic Centre - Cash Office					
Civic Centre – Benefits					
Civic Centre – First Stop Shop (including Planning)					
Civic Centre – Housing					
Glenholme Leisure Complex					
Woodhouse Close Leisure Complex					
Old Bank					

	Fully Accessible	Partially Accessible	Not Very Accessible	Not Accessible At All	Do Not Use/Don't Know
Chambers, Bishop Auckland					
Woodhouse Close Neighbourhood Office, Bishop Auckland					
Bishop Auckland Town Hall					
Stanhope Town Hall					
Willington Resource Centre					

Comment:

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15. **If you have used any of the following Wear Valley facilities in the last six months, how satisfied were you in terms of staff attitude to your impairment?**

	Very Satisfied	Fairly Satisfied	Neither	Fairly Dissatisfied	Very Dissatisfied	Did not use/Don't know
Civic Centre - Cash Office						
Civic Centre – Benefits						
Civic Centre – First Stop Shop (including Planning)						
Civic Centre – Housing						
Glenholme Leisure Complex						
Woodhouse Close Leisure Complex						
Old Bank Chambers,						



	Very Satisfied	Fairly Satisfied	Neither	Fairly Dissatisfied	Very Dissatisfied	Did not use/Don't know
Bishop Auckland						
Woodhouse Close Neighbourhood Office, Bishop Auckland						
Bishop Auckland Town Hall						
Wellington Resource Centre						

16. **Are you Male or Female?**

Male	
Female	

17. **How Old are You?**

Under 16	
16-24	
25-34	
35-44	
45-54	
55-64	
65-74	
75 or above	

18. **Which of the following impairment groups do you most identify?**

Mobility impairment	
Blind or partially sighted	
Profoundly deaf	
Hard of hearing	
Learning difficulties	
Mental health needs	
Living with HIV/AIDS	
Hidden or other impairment	

19. **Do you rely on the use of a wheelchair or powered scooter for your personal mobility?**

All of the time	
Occasionally	
Never	

20. **Do you have any of the following?**

Disabled Persons Parking Badge	
Wear Valley Wear Fit Club (Leisure Card)	
Concessionary Bus Pass/Card	
Other (please state)	

21. **Which best describes your ethnic background?**

Asian or Asian British Indian	
Asian or Asian British Pakistani	
Asian or Asian British Bangladeshi	
Other Asian or Asian British background	
Black or Black British Caribbean	
Black or Black British African	
Other Black or Black British background	
Mixed - White and Black Caribbean	
Mixed - White and Black African	
Mixed -White and Asian	
Other mixed background	
White British	
White Irish	
White Italian	
White European	
White other background	
Any other background	

22. **Which of the following best describes what you do?**

Work full time	
Work part time	
Volunteer worker	
Full time student	
Part time student	
Supporting a child	
Attend a day centre	
Not in education, employment or training	
Retired	
Other	

## WEAR VALLEY DISTRICT COUNCIL

## FLEXIBLE RETIREMENT POLICY AND PROCEDURE

1. POLICY OUTLINE(i) **What is the policy about?**

Wear Valley District Council is committed to adopting a more flexible approach to retirement and recognises the benefits it can have for both employees and the organisation as a whole. With effect from 6 April 2006 The Local Government Pension Scheme (LGPS) introduced a provision allowing employees aged 50 or over to apply for flexible retirement to help ease them into retirement. This policy outlines the Council's flexible retirement options and processes.

(ii) **Who does the policy apply to?**

This policy covers all employees who are in the Local Government Pension Scheme (LGPS).

(iii) **Eligibility**

Employees must have at least three months' total membership of the LGPS (or have brought a transfer value into the LGPS) and be aged over 50 years.

(iv) **Cases in which flexible retirement will be approved**

The Council will only approve applications for flexible retirement where there is a clear business reason for doing so.

(v) **Confidentiality**

All information will be handled sensitively and used only for its proper purpose.

Under the Data Protection Act 1998 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

(vi) **Publicising/distribution of the policy**

A copy of this policy will be made available to employees on request either electronically or in hard copy.

New employees will be informed of the existence of this policy in recruitment and induction information.

(vii) **Reviewing the policy**

We will keep the operation of this policy under review and will make such changes to the policy as deemed appropriate following necessary consultation with the trade unions.

## 2. PROCEDURE

### (i) **Flexible retirement background**

Regulations allows scheme members who are aged 50 or over who reduce their hours or grade with their employer's consent to elect that their pension benefits be paid to them whilst they remain in employment provided they have their employer's consent for these benefits to be paid.

All applications for flexible retirements will be considered on an individual basis and decisions made on the merits of each case, based on the following:

- The proposed reduction in hours or grade required to facilitate flexible retirement must be compatible with the requirements of the Council. The required reduction in hours or grade will only be allowed provided it does not adversely affect the service in which the employee is employed.
- The Council will not pay additional sums into the Fund to allow anyone retiring in this way to have unreduced benefits except in exceptional circumstances. Flexible retirement is voluntary and as such the individual member will have their benefits reduced in an appropriate way as directed under the regulations by the Government Actuary's Department. Exceptional circumstances where an employer payment could be considered are for example:
  - where the relevant director and Strategic Director for Resource Management deem it to be in the interests of the authority to make the payment and there are sound financial reasons for doing so

or

- on the grounds of compassion where in the opinion of the relevant Director and the special factors surrounding the application, along with the appropriate supporting evidence provided, justify such a recommendation to the relevant Committee. Any such recommendation should also take into account the Council's ability to meet the cost of granting such a request.

### (ii) **Flexible Retirement Options**

There are two options available for employees wishing to apply for flexible retirement.

#### (a) **Appropriate and manageable reduction in working hours**

Any eligible employee can opt to request an appropriate and manageable reduction in their normal working hours.

(b) **Option 2 - Reduction in grade/reduced responsibilities**

Any eligible employee can opt to request a reduction in grade if possible or apply for a lower graded post under the Council's Recruitment and Selection policy.

(iii) **How will the Council make a decision regarding flexible retirement?**

Flexible retirement can have advantages for the individual and for the Council. The individual is able to avoid a sudden switch from full time working to retirement and can instead move into retirement more gradually. The Council can benefit from being able to retain the skills of experienced employees for longer and this will allow better succession planning and valuable additional options for those employees aged over 50 years.

It is important that a positive effort is made to come to a workable solution when any request for flexible retirement is made. However the business needs of the Council are paramount and when considering flexible retirement requests the Council will consider the following:

- Burden of additional costs to the Council
- Detrimental effect on any ability to meet customer demand
- Inability to reorganise work amongst existing employees
- Inability to recruit additional staff
- Detrimental impact on quality/performance of the service
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural change.

Any explanation to employees would require more than just providing a reason from the above list. Specific details must be included, outlining the business reasons.

(iv) **How to apply for flexible retirement**

(a) To apply for an appropriate and manageable reduction in working hours

To apply under flexible retirement for an appropriate and manageable reduction in working hours an employee must complete the relevant application form in full and return the completed form to their manager.

Making an application does not give employees an automatic right to flexible retirement, as there will always be circumstances where the Council is unable to accommodate requests.

However the Council will consider requests seriously and will only refuse where there is a clear business reason for doing so.

Any requests for a reduction in working hours will be regarded as a permanent change to contract and there will be no right to revert back to the former arrangements unless otherwise agreed.

(b) To apply for a possible reduction in grade

To apply under flexible retirement for a possible reduction to grade or move to a lower graded post an employee must complete the relevant application form in full and return the completed form to their manager.

For a reduction in grade to be feasible it would need to meet with the business needs of the service and there will need to be a change to the job description to reflect any reduced responsibilities in grade. It is likely that a reduction in existing grade would only be an option where the service is currently undertaking a restructure, has a vacant post of a lower grade, or where the employee's own service area is reducing. Alternatively, if this cannot be accommodated within the employee's own service area through reduction or removing of duties, the employee will need to apply for lower graded posts under the Council's Recruitment policy in fair and open competition with other applicants.

Any requests for a reduction in grade will be regarded as a permanent change to contract and there will be no right to revert back to the former arrangements unless otherwise agreed.

Making an application does not give employees an automatic right to flexible retirement, as there will always be circumstances where the Council is unable to accommodate requests. However the Council will consider requests seriously and will only refuse where there is a clear business reason for doing so.

(v) **How will the Manager deal with any Requests?**

(a) Process if proposed request can be agreed

All requests will be considered fully by the manager once a completed application form has been received. The manager will then produce a report to the relevant Committee with a clear recommendation.

(b) Involvement of Human Resources

The manager must discuss all requests with a representative from Human Resources prior to the final decision being given to the individual to ensure fair and equitable application of this policy.

(vi) **Representation**

Employees will have the right to be accompanied at any meetings by a trade union representative or work colleague.

(vii) **Timescale**

Where employees are applying for a job at a lower grade, the Council cannot give timescales as it will depend on the availability of suitable jobs and the recruitment and selection programme.

Sometimes it can be difficult to place a timescale on changes to working hours therefore it is recommended that employees ensure they make their applications well in advance of when they would like to implement any changes.

Employees can only make an application for flexible retirement once in any 12 month period.

(viii) **Implementation Issues Policy**

There will be no consideration of retrospective applications from employees who have reduced their hours or grade. Any requests for reduction in hours or grade must be done at the same time as requesting any access to pensions.

(ix) **Withdrawal of Application for Flexible Working**

If an employee wishes to withdraw an application for flexible retirement at any stage of the process, they must do so in writing to their manager. Once an employee has withdrawn their application for flexible retirement they will not be able to make another application until 12 months from the date their original application was made.

(x) **Appeals**

The employee has 14 calendar days from receiving notification of any rejection to set out their grounds for an appeal in writing. If the manager then chooses to accept the request, they should follow the guidance as outlined above. They have 14 calendar days to confirm the change.

If still not accepting the request, the manager must set up an appeal hearing within 14 calendar days of receiving the employee's notice. The meetings should be at a time and place convenient to all those involved. The departmental Chief Officer or another appropriately nominated senior officer should hear the appeal - it must be someone who was not involved in the original decision.

The employee should be advised within 14 calendar days of the decision from the appeal. If the request for change is accepted, the guidance outlined previously should be followed. If it is refused, details of the grounds for rejection must be set out, including an explanation of why they apply.



(xi) **Pension Implications**

This section is only intended to provide guidance. Employees are strongly advised to seek independent financial advice.

(a) Benefit reductions

Employees should be aware that different reductions can be applied on flexible retirement compared to employer-sponsored early retirement. This means for example that individuals who meet the 'rule of 85' will still have their benefits reduced if they take flexible retirement under age 60. It is important that estimates of benefits are obtained before an application for flexible retirement is made. Employees should also consider taking independent financial advice before taking flexible retirement.

(b) Continued LGPS membership

Individuals who take flexible retirement and continue working for the Council will continue contributing to the LGPS unless they choose to opt out of the Scheme. Provided they do not opt-out they will build up another period of membership within the Scheme. Anyone who has reduced their hours should be aware that going forwards they will earn membership in the Scheme on a reduced basis, proportionate to the number of hours they work. Also, working part-time prior to normal retirement age could reduce the amount of additional service they could be awarded if they retire on ill-health grounds.

(c) Break in Service

There is no requirement for employees to have a break in service where they are taking flexible retirement.