

Eden District Council
Council

24 February 2022

Pay and Pension Discretions Policy Statement 2022/2023

Portfolio:	Resources
Report from:	Interim Director of Resources
Wards:	All Wards
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 To enable consideration to be given to the attached Pay Policy Statement with a view to approving the statement to enable the Council to meet the requirements of the Localism Act 2011.

2 Recommendation

That the attached Pay and Pensions Discretions Policy Statement be adopted with effect from 1 April 2022.

3 Report Details

- 3.1 Section 38 (1) of the Localism Act 2011 (“the Act”) requires English and Welsh local authorities to produce a pay policy statement for each financial year.
- 3.2 The matters that must be included in the statutory pay policy statement are:
- A local authority’s policy on the level and elements of remuneration for each chief officer;
 - A local authority’s policy on the remuneration of its lowest-paid employees (together with its definition of “lowest-paid employees” and its reason for adopting that definition);
 - A local authority’s policy on the relationship between the remuneration of its chief officers and other officers; and
 - A local authority’s policy on other specific aspects of chief officers’ remuneration, remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments, and transparency.
- 3.3 The definition of chief officers is not limited to the Head of Paid Service and statutory officers.
- 3.4 As for the process, the pay policy statement:
- Must be approved formally by the Council meeting itself;
 - Must be approved by the end of March each year; and
 - Can be amended in-year

- 3.5 The Council must, in performing its functions under the Act, have regard to any guidance issued or approved by the Secretary of State. A copy of the guidance 'Openness and accountability in local pay: Guidance under section 40 of the Localism Act' can be found on the Gov.uk website <https://www.gov.uk/government/publications/openness-and-accountability-in-local-pay-guidance>
- 3.6 The functions conferred on the Council by this part of the Act are not to be the responsibility of an Executive.
- 3.7 Any determinations which are made in relation to the remuneration of or other terms and conditions applying to a chief officer of the Council must comply with its pay policy statement for the financial year concerned.
- 3.8 As soon as is reasonably practicable after approving or amending a pay policy statement, the authority must publish the statement or the amended statement in such manner as it thinks fit (including publication on the website).
- 3.9 The attached policy statement (Appendix A) draws information from the Council's existing pay and reward related policies and practices and provides the additional information required to meet the requirements of the Act. There are no significant changes from the 2021/22 policy.
- 3.10 Due to its relevance, the Pensions Discretions Policy Statement is included with the Pay Policy statement and the document is titled the Pay and Pensions Discretions Policy Statement.

4 Policy Framework

- 4.1 The Council has four corporate priorities which are:
- Sustainable;
 - Healthy, safe and secure;
 - Connected; and
 - Creative
- 4.2 This report helps to meet the requirements of section 38 (1) of the Localism Act 2011 and the requirements of the Local Government Pension Scheme Regulations (LGPS) 2013 and LGPS (Transitional Provisions and Savings) Regulations 2014.

5 Consultation

- 5.1 The revisions which have been made to the 2022/23 policy are minor and only reflect changes to job and team titles, the date for the Interim Chief Executive contract and the wording in s9.1 to align with the Management of Change policy so consultation has not been carried out.

6 Implications

6.1 Financial and Resources

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2019-2023 as agreed at Council on 7 November 2019.
- 6.1.2 There are no proposals in this report that would reduce or increase resources as the salary budget is considered separately.

6.2 Legal

6.2.1 In accordance with the Local Government Pension Scheme Regulations (LGPS) 2013 and LGPS (Transitional Provisions and Savings) Regulations 2014, the Council is required to determine and publish a statement of policy in relation to its exercise of certain discretionary functions available under the LGPS regulations, and to review this on an annual basis.

6.2.2 The statement complies with the requirements of section 38 of the Localism Act 2011.

6.3 Human Resources

6.3.1 The Council wishes to ensure that a policy is in place so as it has clear and precise guidelines on how the pay of its employees is determined to ensure fairness and transparency for all.

6.4 Environmental

6.4.1 There are no environmental impacts.

6.5 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	The Council's pay strategy and practices meet the requirements of the Equality Act 2010.
Health, Social Environmental and Economic Impact	There are no implications
Crime and Disorder	There are no implications
Children and Safeguarding	There are no implications

6.6 Risk Management

Risk	Consequence	Controls Required
Not having a Pay and Pension Discretions Policy Statement would be a direct contravention of Section 38 (1) of the Localism Act 2011 which requires the Council to produce a pay policy statement for each financial year	Failure to publish a pay policy statement would put the Council in breach of statutory obligations	The recommendation of this report ensures compliance with statutory obligations

7 Other Options Considered

7.1 This report set outs the current position with regard to the Council's pay and pensions discretions policies, so no alternative option is recommended.

8 Reasons for the Decision/Recommendation

- 8.1 To meet the requirements under section 38 to 43 of the Localism Act 2011 which requires English and Welsh local authorities to produce a pay policy statement for each financial year.
- 8.2 To meet the requirements of the Local Government Pension Scheme (LGPS) Regulations 2013 and LGPS (Transitional Provisions and Savings) Regulations 2014 which requires each employer to formulate, publish and keep under review a policy statement in relation to the exercise of a number of discretions under the LGPS.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	11/2/22 (Deputy)
Monitoring Officer (or Deputy)	15/02/2022
Relevant Assistant Director	11/2/22

Background Papers: Not Applicable

Appendices: Appendix A – Draft Pay and Pension Discretions Policy Statement 2022/23

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Pay and Pension Discretions Policy Statement 2022/2023

Version	Date	Status	Comments
0.1	January 2022	Draft	Annual review with minor changes: <ul style="list-style-type: none">- update to some job titles and team titles- s 3.2.1 and s4.1 updated to show the dates of the Interim Chief Executive contract and revised budget- s9.1 updated to align with the Management of Change policy- s9.2 updated to reflect current position

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1. Background

- 1.1 The Council is required by section 38(1) of the Localism Act 2011, to prepare a Pay policy statement. The statement must articulate the policies towards a range of issues relating to the pay of the workforce, particularly its senior staff (or 'Chief Officers') and its lowest paid employees. Pay policy statements must be prepared for each financial year. The Pay policy statement must be approved by Full Council.
- 1.2 This Pay policy statement has regard to the guidance issued by the Secretary of State. At the time of writing the relevant guidance is titled 'Openness and accountability in local pay: Guidance under section 40 of the Localism Act'.
- 1.3 This policy statement draws information from the Council's existing pay and reward related policies and practices and provides the additional information required to meet the requirements of the Localism Act.
- 1.4 An aim of the Pay policy is to attract, retain and motivate staff so that the organisation can perform at its best. In the context of managing scarce public resources, remuneration at all levels needs to be adequate to secure and retain high-quality employees dedicated to the service of the public. At the same time remuneration needs to avoid being unnecessarily generous or otherwise excessive.

2. Definitions and Interpretations

2.1 IR35 Tax Regulations: Employee or Worker?

Guidance should be sought from the Chief Finance Officer before any engagement (other than direct employment) may be approved. The Council will, at all times, meet the requirements of IR35 tax legislation. When deciding if IR35 rules apply to a contract or engagement, it is important to establish what the underlying relationship (the employment status) is between the Council and the worker. The best approach is to work out what the relationship would be if there was no intermediary involved (such as a Limited Company). The facts of each contract or engagement will decide if IR35 applies and not any label, description, or job title. Consideration must be given again to the status as soon as circumstances may change. Different legislation may apply if services to the Council are provided through a third party agency or Managed Service Company. In these circumstances agency legislation may apply rather IR35 regulations.

2.2 Chief Officer

- 2.2.1 Under the Localism Act the definition of a Chief Officer (as set out in Section 43(2)) is not limited to the Head of Paid Service or the statutory Chief Officers. It also includes those who report directly to them (non-statutory Chief Officers) and to their direct reports (Deputy Chief Officers).
- 2.2.2 For the purposes of this policy statement, the "Chief Executive" in relation to this Council is the person who is also the Head of Paid Service. An Acting Head of Paid Service may be appointed by the HR and Appeals Committee if the Chief Executive post is vacant or other circumstances require it.
- 2.2.3 For the purposes of this policy Statement a "Chief Officer", in relation to this authority means each of the following:
 - a) its Directors and Deputy Chief Executive
 - b) its Monitoring Officer (the Assistant Director Legal & Democratic Services or Interim)

- c) its Chief Finance Officer (the Director of Resources or Interim),
- d) its Assistant Directors (non-statutory Chief Officers)

2.2.4 For clarity everyone who reports directly to a Chief Officer (and is designated as a deputy Chief Officer under section 2(8) of the Local Government and Housing Act 1989) is not a Chief Officer for the purposes of this statement.

2.3 Terms and Conditions

In this Policy statement “terms and conditions” means the terms and conditions on which the person holds office under, or is employed by the Council.

2.4 Remuneration

References in this statement to the remuneration of, or the other terms and conditions applying to, a Chief Officer or employee include:

- a) The remuneration that may be provided to, or the terms and conditions that may apply in the future, and
- b) The remuneration that is to be provided to, or the terms and conditions that are to apply to future appointments.

2.5 Lowest paid employees

The definition of “lowest-paid employees” adopted by the authority for the purposes of this policy statement is those employees on the lowest pay point in use by the Council. In line with the council’s pay structure (Annex 1), the lowest pay point in the authority will equate to a minimum of £9.25 per hour. The reason for adopting this definition is that it is the simplest and most easily understood definition. At the time of approval, the annual pay settlements for 2021/22 and 2022/23 had not been agreed and it is possible that the hourly rate will increase after this statement has been published

2.6 Financial Year

“Financial year” means the period of 12 months ending with 31 March in any year.

2.7 Mean/Median Average Salary

2.7.1 The median average salary is determined by ordering all employee salaries from highest to lowest (or lowest to highest) and identifying which salary falls at the mid-point of the range.

2.7.2 The mean average salary is defined as the total estimated salaries payable in 2022/2023 for the full permanent establishment divided by the full time equivalent (FTE) of the full establishment.

2.8 Day’s Pay

The calculation used to determine ‘A Day’s Pay’ is 1/261 and is based on an Actual Working Day which is as follows: 365 days minus 104 weekend days. This method of calculation is used where there is any other deduction for days not worked eg unpaid leave.

Statement

3. Decision Making

Chief Officers shall have authority to operate and administer the Council's Pay and Pension Discretions Policy. Any departure from the policy will be referred to the Head of Paid Service for consideration except when in relation to Chief Officers, when the decision must be taken by Council. Where appropriate the recognised trade union, UNISON will be consulted.

The Head of Paid Service is responsible for the employed staff. The Head of Paid Service can operate in accordance with existing employment policies and procedures, and existing frameworks such as budgets and changes to the establishment.

3.1 Information

3.1.1 Information regarding the salary levels and degrees of responsibility exercised by the Chief Executive and Chief Officers in return for their remuneration is published on the Council's website under 'Your Council', 'Organisational Structure' <https://www.eden.gov.uk/your-council/about-the-council/organisational-structure/>

3.1.2 The information contained in this statement is correct at the time of approval by Full Council. Any changes implemented through national negotiation or change in Government policy will be reflected in the following annual statement unless reviewed sooner.

3.2 Relationship between the remuneration of Chief Officers and Employees

3.2.1 The Chief Executive position is currently vacant and the post is filled by an Interim Chief Executive under a contract for services until 31 March 2023. The Interim Chief Executive is not an employee. The Interim Chief Executive holds the office as the Head of Paid Service.

3.2.2 All employees are covered by the National Joint Council Agreement on Pay and Conditions of Service except for Chief Officers who are covered by a separate Joint National Council Agreement for Chief Officers of Local Authorities.

3.2.3 Salary levels for employees other than Chief Officers are determined by reference to the Council's Job Evaluation Scheme. The scheme was designed and is implemented in partnership with the Council's recognised trade union, UNISON. Salaries for Chief Officers are set by Council after consideration of an independent review which is periodically and upon request undertaken by or in conjunction with North West Employers Organisation.

3.2.4 There is no separate provision for Chief Officers in relation to the Council's general employment policies and statements. Arrangements for Chief Officers are dealt with in accordance with the Council's ordinary policies.

3.2.5 Any consideration of Overtime, Honoraria, 'Acting up' or Market Factor Supplement arrangements for Chief Officers must be undertaken by Full Council.

3.2.6 Chief Officers do not receive benefits-in-kind separate to or in addition to those to which an employee may be entitled.

3.2.7 The pay multiple between the median average salary at the Council (£24,491) and the highest paid employee (Deputy Chief Executive) is 1:3.6 The pay multiple between the mean (average) salary at the Council £28,063 and the highest paid employee (Deputy Chief Executive) is 1:3.1. The pay multiple between the lowest paid employee £17,842 and the highest paid employee (Deputy Chief Executive)

is 1:5. The salary of highest paid employee (Deputy Chief Executive) was under review (see 4.2.1.3 below) when this statement was being prepared and the proposed salary of £88,363 per annum has been used in these calculations. At the time of approval, the annual pay settlements for 2021/22 and 2022/23 had not been agreed therefore these figures may change after this statement is published..

- 3.2.8 The salary for all employees including Chief Officers is determined by reference to this policy statement. The Council will have regard to the pay multiple in consideration of remuneration of Chief Officers and staff.

3.3 Recruitment

The level of remuneration of Chief Officers and employees is determined in accordance with this policy statement.

3.4 Relocation Allowance

The Council operates a relocation allowance recruitment incentive scheme. This scheme applies, except where otherwise approved by the Council in writing. The application of the relocation arrangements shall be in accordance with the details of the scheme set out in Annex 2.

4. Terms and Conditions

4.1 Terms and conditions of Chief Executive

The Interim Chief Executive is engaged under a contract for services until 31 March 2023. The proposed budget for the Chief Executive contract for 2022/23 has been set at £253,059. Approval for the additional budget required was granted by Council on 23 September 2021.

4.2 Terms and conditions of Chief Officers

Terms and conditions of employment are in accordance with collective agreements negotiated from time to time by the Joint National Council for Chief Officers of Local Authorities, set out in the Scheme of Conditions of Service and the North Western Provincial Council as supplemented by local collective agreements reached with UNISON and by the rules of the Council.

4.2.1 Setting of Remuneration Levels

- 4.2.1.1 Salary for Chief Officers is set by a process of independent review. An independent review process would usually be conducted via an independent review panel comprising of Members and any relevant and appropriate Officers. The review is undertaken with reference to comparable pay in the North West region. The independent review panel would make recommendation to Council on the appropriate level of salary or salary band to be set for Chief Officer Posts.
- 4.2.1.2 If a salary band is in place, the salary point on which a Chief Officer is appointed or accelerated is the decision of the Head of Paid Service and will be within the range of scale points allocated to Chief Officer grades.
- 4.2.1.3 When this statement was being prepared, the salary for the Deputy Chief Executive was under review in accordance with 4.2.1.1 above. The proposed salary was £88,363. The salary of a Director post is £73,363, the salary for the Assistant Director Legal & Democratic Services (Monitoring Officer) is £63,903 and the salary for other Assistant Director posts is £53,903. At the time of approval, the annual pay settlements for 2021/22 and 2022/23 had not been agreed therefore these figures may change after this statement is published.

4.2.2 Additional Duties

- 4.2.2.1 No separate payment is made to the Returning Officer for Local Election fees (District and Parish elections). Returning Officer fees for non-local elections are set by legislation prior to the election within Fees and Charges Orders. Deputy Returning Officer fees (County elections) are payable by the County Council and the fees are set every 4 years by the County Council.
- 4.2.2.2 Information regarding the salary levels and degrees of responsibility exercised by the Chief Executive and Chief Officers in return for their remuneration is published on the Council's website under 'Your Council', 'Organisational Structure' <https://www.eden.gov.uk/your-council/about-the-council/organisational-structure/>

4.3 Terms and Conditions of Employees

Terms and conditions of employment at the Council for all employees (except Chief Officers) and which includes "lowest paid employees" are in accordance with collective agreements negotiated from time to time by the National Joint Council (NJC) for Local Government Services and the Joint Provincial Council as supplemented by local collective agreements reached with trade unions recognised by the Council and by the rules of the Council.

4.3.1 Setting of Remuneration Levels

- 4.3.1.1 NJC Key National Provisions part 2 (Green Book) requires that "The pay and grading of jobs must be fair and non-discriminatory, complying with equal pay legislation and associated Codes of Practice" (5.1). The Green Book also says that "The basic pay of each employee will consist of either a point or points on the local government pay spine" (5.2).
- 4.3.1.2 Organisational consistency in relation to pay for employees is achieved through a Job Evaluation scheme. The Council implemented the Local Government Single Status Job Evaluation Scheme, which has been developed by the National Joint Council for Local Government Services and which was implemented at the Council with effect from 1 April 1999. The scheme involves UNISON as an equal partner in the process. All posts within the Council have been evaluated according to the scheme with the exception of new posts which are of a temporary nature and for a duration of less than two years which are exempt from Job Evaluation. Once a job has been scored under the Job Evaluation scheme, the grade is determined by referring the job score to the 'points to grade' table. A re-evaluation procedure has been adopted for the appointing of new posts and for significant changes in the duties of existing posts. A revised NJC Job Evaluation scheme was implemented during 2014.
- 4.3.1.3 The pay structure is based on the established Spinal Column Points (SCP) with groups of points arranged into local Eden grades. The Eden grading structure is set out in Annex 1. Any collective agreements negotiated from time to time by the NJC will apply to the Council's grading structure. Locally determined rates will apply for staff aged 16 and 17 years who are not fulfilling the full duties of a substantive post.
- 4.3.1.4 The Council has two grades which overlap with another (SCP 1 is in both grade A and B and SCP 3 is in both grade B and C). The pay bands vary between 2 and 4 SCP's (see Annex 1). Incremental progression through the grade is based on length of service and is subject to satisfactory reports. Increments are applied on 1 April and if at 1 April service in post is less than 6 months, at 6 months. For employees who are aged below 18 years on appointment, incremental progression will occur at age 18. Incremental progression is applied to permanent and temporary posts up to the grade maximum. The only

exception is where a temporary appointment is made on a fixed scale point for the duration of the post.

4.3.1.5 It is the Council's usual practice to appoint at the bottom of the Grade. Any decision to appoint above the bottom of the Grade is subject to approval by the relevant Chief Officer taking into account all the circumstances.

4.3.2 Pay Award

4.3.2.1 The Council recognises the National Joint Councils (NJC) and pay awards are applied as negotiated by these bodies. Any local pay award would require approval by Full Council.

4.3.2.2 Staff in employment on or after the date on which a pay award has been agreed will be entitled to any back pay due to 1 April. Staff who have left employment of the Council before this date will be entitled to back pay subject to their bank details etc being available.

4.3.3 Change of Grade

4.3.3.1 Where the new grade for a post has a different SCP upper limit than the existing grade then:

- Postholders who move to a higher grade will either move to the first point of a new grade or stay at the existing SCP whichever is higher; and
- Postholders who move to a lower grade will move to the top of that lower grade or the existing SCP whichever is lower.

4.3.3.2 Thereafter progress up the grade will be in accordance with national conditions.

4.3.4 Pay Protection

The Council has agreed arrangements to protect the salary of staff in the event of their re-grading or re-deployment. These are set out in Annex 3. Such arrangements apply from the effective date for individual changes.

5. Other Pay Elements

The Council operates a number of separate schemes of remuneration aimed at dealing with very specific situations and which apply to all employees within the Council including Chief Officers.

5.1 Overtime

5.1.1 For posts up to and including Grade G, overtime by an employee can be claimed at enhanced rates, in accordance with National Conditions.

5.1.2 Overtime carried out by post holders above this grade will only be paid in exceptional and defined circumstances, usually as part of a programme of planned overtime and at an agreed rate of pay which will not exceed the rates detailed in the National Conditions.

5.1.3 Any programme of planned overtime ie anything other than an individual ad hoc instance, will be subject to formal approval by the Head of Paid Service.

5.2 Car User Allowance

5.2.1 On 5 October 2010 the Council's Executive approved a recommendation to adopt revised criteria for qualifying as an Essential User. The new criteria came into effect on 15 October 2010 for new employees and on 1 April 2011 for existing employees. Designations for new posts will be taken in accordance with the 'Essential Car User Status Criteria and Guidance'. A comparison to a similar post will be made wherever possible and where no such post exists a provisional assessment will be made and will be reviewed after one year.

5.2.2 A review of posts which are eligible to be designated as Essential Users was undertaken in 2019.

5.3 Pension

5.3.1 All employees and Chief Officers are eligible to join the Local Government Pension Scheme (LGPS).

5.3.2 The Council has prepared a written statement of policy in relation to its exercise of certain discretionary functions, available under the LGPS regulations. This can be found at Annex 4.

5.4 Bonus Scheme

From time to time, the Head of Paid Service may devise a bonus scheme to incentivise employees in relation to particular objectives. Such a scheme will require the approval of Council and will be published on the Council's website.

5.5 Child Care Vouchers

5.5.1 The Council offers access to a Child Care Voucher scheme by way of salary sacrifice which enables savings to tax and national insurance contributions.

5.5.2 From October 2018, childcare voucher schemes were closed to new applicants. Employees who were already receiving childcare vouchers at this time will be able to continue to do so providing they meet certain criteria.

5.6 Recognition Payments

5.6.1 Honoraria

Officers on or above Grade H when called to work exceptional hours in connection with the work of the Council will be considered for the payment of an honorarium. All honoraria will be subject to formal approval of Corporate Leadership Team and the Head of Paid Service. In the case of Chief Officers it is subject to approval by Council. The funding must also be identified.

5.6.2 Acting up

When a post is vacant Officers are sometimes asked to 'act up'. 'Acting up' involves an Officer undertaking some or all of the duties of a higher graded vacant post. Where only some of the duties are undertaken then it may be appropriate to consider a payment at the end of the period which reflects the percentage of duties covered. Where all of the duties are to be undertaken the Head of Paid Service can designate an Officer as working in an 'acting' capacity except in the case of Chief Officers which is subject to approval by Council. The Officer in the acting capacity will be paid on the grade of the post he/she is 'acting up' for, usually at the bottom of the grade. The full funding for any acting up arrangement must also be identified.

5.7 Market Factor Supplements

The Job Evaluation Scheme does not include any weighting for market forces. Where there is a degree of difficulty in attracting and retaining high-quality employees some authorities apply a Market Factor Supplement. In response to the economic climate and in recognising the labour market forces at that time, the Council through consultation determined that all Market Factor Supplements, applied within the Council, would end with effect from 31 March 2012. The Council does not currently have a Market Factor Supplement Scheme. If during the term of this statement it considered that the application of a Market Factor Supplement is required, this policy statement would be required

to be updated to reflect any scheme. Any Market Factor Scheme should be consistently applied to any post within the Council including Chief Officers.

5.8 Telephone Allowance

Officers who are nominated to be available to respond to out of hours incidents shall receive an allowance of £8.00 per month towards the cost of providing a telephone at their private address upon which they can be contacted. Officers in receipt of the allowance include both Chief Officers and nominated employees.

5.9 Personal Professional Fees

Professional fees in relation to individual Officers' membership of professional bodies will not be paid. The only exception is with respect to the Solicitors Practising Fee which enables solicitors employed by the Council to act as solicitors for the Council. The Council currently has two posts where these fees are paid. These are the posts of Assistant Director Legal & Democratic Services and Legal Services Manager.

5.10 Emergency Client Team

The Council operates an out of hour's emergency service where a duty Officer is available to take and direct emergency calls at all times when the offices are closed. Each Officer on duty receives a fee of £154.36 per week for their week of duty, plus a day in lieu for bank holidays. The fee is increased each year in line with the annual pay settlement. At the time of approval, the annual pay settlements for 2021/22 and 2022/23 had not been agreed and it is possible that the hourly rate will increase after this statement has been published.

5.11 First Aid

Nominated First Aiders are paid an allowance of £8.72 per month and which is paid on a pro-rata basis. The fee is increased each year in line with the annual pay settlement. At the time of approval, the annual pay settlements for 2021/22 and 2022/23 had not been agreed and it is possible that the hourly rate will increase after this statement has been published.

5.12 Committee Allowance

A committee attendance allowance is paid to the Member Services Officer posts on a rate per meeting basis in respect of evening work which is undertaken for committee meetings. The current allowance is £47.23 per meeting. The fee is increased each year in line with the annual pay settlement. At the time of approval, the annual pay settlements for 2021/22 and 2022/23 had not been agreed and it is possible that the hourly rate will increase after this statement has been published

5.13 Personal Accident Insurance

Personal Accident Insurance is provided for all employees including Chief Officers.

6. Training Posts

The Council has one specific training post (Trainee Building Control Surveyor). In addition occasions may arise where an employee is appointed on the understanding that a training programme needs to be completed before the postholder can be paid on the full grade. When filling vacancies, Chief Officers and or Member Panels will have the flexibility to appoint on a lower scale, subject to the determination of a training plan for the post, which will set out the

requirements and timescales leading to the postholder moving into the designated grade for the post. Such positions shall be known as training positions.

7. Flexible Retirement

- 7.1 An employee may seek flexible retirement after he or she has reached the age of 55. An employee can continue in his or her job and reduce the hours worked or the grade at which he or she is employed and draw pension benefits whilst continuing in employment. Flexible retirement can only occur with the Council's consent as the employer.
- 7.2 The Council may determine any request for flexible retirement from a Chief Officer.
- 7.3 At 1 April 2022 there were no Chief Officers receiving a salary and a pension for doing the same job (reduced from full-time to part-time hours) under the flexible retirement scheme.

8. Leaving the Authority - Severance

- 8.1 The Management of Change policy covers the Council's severance arrangements.
- 8.2 There is no separate provision for Chief Officers in relation to the Council's general employment policies and statements. Arrangements for Chief Officers are dealt with in accordance with the Council's ordinary policies. The Council's approach to pension discretions is detailed in the Local Government Pension Scheme Employer Discretions Statement of Policy which is attached to this statement at Annex 4.

9. Re-engagement of Former Employees

9.1

The Council will not normally re-engage former employees who have left the Council's service through voluntary redundancy, early retirement or early retirement in the interest of efficiency of the service.

9.2 For clarification the Council can confirm

- a) That there are no Chief Officers who:
- Were previously employed by this same authority who left with a severance or redundancy payment, and have come back as a Chief Officer; or
 - Were previously employed by the same authority, and have come back as a Chief Officer under a contract for services; or
 -
- b) There is one Chief Officer who is in receipt of a Local Government Pension Scheme pension (previous service was not with the same authority).

10. Publication

The Council will publish the statement on the Council's website and will publish the statement in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (February 2012).

Pay Policy Statement 2022/2023 - Grading Structure (from 1 April 2022)

At the time of approval, the annual pay settlements for 2021/22 and 2022/23 had not been agreed therefore it is possible that the figures will increase after this statement has been published.

The salary structure is subject to amendment in accordance with National Pay Negotiations

GRADE	SCP	ANNUAL SALARY	PER MONTH	HOURLY RATE - BASED ON 37 HRS PER WEEK	OLD SCP
A	1	18,333.00	1527.75	9.50	6
B	1	18,333.00	1527.75	9.50	6/7
	2	18,333.00	1527.75	9.50	8/9
C	3	18,562.00	1,546.83	9.62	10/11
	4	18,933.00	1,577.75	9.81	12/13
D	5	19,312.00	1,609.33	10.01	14/15
	6	19,698.00	1,641.50	10.21	16/17
E	7	20,092.00	1,674.33	10.41	18
	8	20,493.00	1,707.75	10.62	19
	9	20,903.00	1,741.92	10.83	20
	10	21,322.00	1,776.83	11.05	
F	11	21,748.00	1,812.33	11.27	21
	12	22,183.00	1,848.58	11.50	22
	13	22,627.00	1,885.58	11.73	
	14	23,080.00	1,923.33	11.96	23
	15	23,541.00	1,961.75	12.20	24
G	16	24,012.00	2,001.00	12.45	
	17	24,491.00	2,040.92	12.69	25
	18	24,982.00	2,081.83	12.95	
	19	25,481.00	2,123.42	13.21	26
	20	25,991.00	2,165.92	13.47	27
H	21	26,511.00	2,209.25	13.74	
	22	27,041.00	2,253.42	14.02	28
	23	27,741.00	2,311.75	14.38	29
I	24	28,672.00	2,389.33	14.86	30
	25	29,577.00	2,464.75	15.33	31
	26	30,451.00	2,537.58	15.78	32
J	27	31,346.00	2,612.17	16.25	33
	28	32,234.00	2,686.17	16.71	34
	29	32,910.00	2,742.50	17.06	35
K	30	33,782.00	2,815.17	17.51	36
	31	34,728.00	2,894.00	18.00	37
	32	35,745.00	2,978.75	18.53	38
L	33	36,922.00	3,076.83	19.14	39
	34	37,890.00	3,157.50	19.64	40
	35	38,890.00	3,240.83	20.16	41
M	36	39,880.00	3,323.33	20.67	42
	37	40,876.00	3,406.33	21.19	43
	38	41,881.00	3,490.08	21.71	44
N	39	42,821.00	3,568.42	22.20	45
	40	43,857.00	3,654.75	22.73	46
	41	44,863.00	3,738.58	23.25	47
	42	45,859.00	3,821.58	23.77	48
	43	46,845.00	3,903.75	24.28	49
*New National Scale Points are not being implemented.					

Pay Policy Statement 2022/2023

Annex 2 - Relocation Policy

Scheme of Recruitment Incentives available to Newly Appointed Staff

1. Policy Statement

It is the Policy of Eden District Council to provide financial assistance towards removal and associated expenses where they result from any new member of staff (including Chief Executive post holder) needing to move home in order to take up employment with the Council. Newly appointed Officers employed on a temporary contract of less than two years duration may be entitled to claim removal expenses only for the purpose of moving personal effects.

2. Scope

The Council offers financial assistance to newly appointed Officers on Grade E and above, whose place of residence is outside the District boundary. The scheme is offered to newly appointed, full and part time Officers. Assistance in appropriate cases is afforded with removals and associated disturbance costs.

3. Removal Allowance

The payment for removal shall be 100% of the reasonable expenses involved in domestic removal from one abode to another (including appropriate insurance) based on the acceptance of the lowest of three competitive tenders.

Where an initial removal is made to temporary accommodation locally until suitable permanent accommodation is found, only the first or main removal is covered by these provisions. Two days removal leave will also be granted upon request in writing to the post holder's Chief Officer.

4. Disturbance Allowance

A disturbance allowance to a maximum of £5,125 including VAT shall be reimbursed. This is subject to receipts for all expenditures. This allowance may be used to cover such items such as:

- Legal Fees
- Estate Agent Fees
- Storage Costs
- Lodging/Rental Costs
- Purchase of white goods/carpets
- Buying out of a car lease from a previous local authority employer, or similar penalty (inclusive of tax liability)
- Any other items incurred in relocating which the Chief Officer deems appropriate

5. Conditions of Payment

Officers shall generally settle their accounts for removals, legal and estate agents fees themselves and then submit the original invoices to Human Resources to ensure that any payments to be made are in accordance with the Councils approved relocation scheme. The verified invoices will then be submitted to Financial Services for payment.

Any claim for payment under this scheme shall be made within twelve months of the date of commencement of employment with the Authority. In exceptional circumstances this period may be extended subject to Committee approval.

An Officer shall not receive any payments unless that Officer has first entered into an agreement undertaking to repay the whole or part of such payments as mentioned hereunder, in the event of leaving the Councils service within a period of three years from the date of commencement of employment with the Authority.

Claim Form - Allowances Available for Newly Appointed Staff - Undertaking to Repay Allowances Form

6 Completed Service Amount to be Repaid

Completed Service	Amount to be Repaid
Up to 1 year	100.00%
Between 1 - 2 years	66.66%
Between 2 - 3 years	33.33%
More than 3 years	Nil

7. Tax and National Insurance Liability

Provided you move house as a result of your appointment and all allowances are paid before the end of the tax year following the year you start the new job, there is no tax or national insurance liability. (NB it does not matter when you actually move home for Inland Revenue purposes). However, all payments made, which are not in accordance with the above are subject to tax and national insurance contributions. Such payments are recorded by Financial Services who will then forward the information to Inland Revenue.

8. Maximum Claim

Please note that the maximum total amount claimable under this scheme is £5,125

Pay Policy Statement 2022/2023

Annex 3- Salary Protection Arrangements in the event of re-grading or re-deployment

1. Purpose

- 1.1 The purpose of these arrangements is to provide a defined period during which the existing salary of an individual who has been adversely affected by a management change within the organisation will be protected. This protected period is intended to provide time during which all opportunities may be explored to negate the need for such protection; eg re-training, transfer or appointment to a suitable alternative post.
- 1.2 It is not the purpose of these arrangements to protect the salary of an individual who may be re-graded as a result of action to address issues of the capability of that individual to carry out the duties of the post currently held, re-deployed within the Authority for disciplinary reasons or where an individual voluntarily applies for a lower graded post to pursue a personal preference.

2. Application

- 2.1 The circumstances where the salary protection arrangements will operate are:
 - where the grade of an occupied post is reduced to the extent that the maximum salary available on the new grade falls below the salary of the post-holder;
 - where an individual is transferred to an agreed suitable alternative post as part of a restructuring or redundancy programme and the maximum salary available in the grade of the new post falls below the individual's current salary.

3. Protection Arrangements

- 3.1 The frozen salary will be paid for a maximum of 12 months from the effective date terminating on:
 - the individual leaving the Council's employment;
 - the end of the current temporary/fixed term contract;
 - the date when the frozen salary is equalled or overtaken by the maximum salary appropriate for the job held by the individual (including supplements, allowances, regular or contractual overtime, enhanced rates, etc);
 - the individual voluntarily transferring to a position not considered to represent a suitable alternative post; or
 - the unreasonable refusal by an individual to take an agreed suitable alternative post within the Authority.
- 3.2 The salary of the individual would be frozen at the appropriate effective date of the change (ie date of taking up the new post/date when re-grading takes effect).
- 3.3 It will be a condition of protection that, during the period for which it applies, the individual concerned will assist the management by undertaking any reasonable and appropriate additional duties, which equate to the protected salary level, without further remuneration. If, taking into account relevant circumstances, the individual unreasonably refuses to assist management in the way described, the protection arrangements would be deemed to no longer be applicable and would

be terminated. However, any exceptional overtime worked, but not included in the calculation of comparator salary as set out below, will be paid on an hourly rate appropriate to the maximum of the grade appropriate to the post.

- 3.4 Where an individual is in receipt of a protected salary and transfers to another suitable alternative post the protection will only remain for the balance of the original period of protection as determined under 3.1 above.

4. Calculation of Protected Salary

- 4.1 The salary to be frozen will be that existing at the effective date determined and will include:

- the value of any contractual overtime;
- the value of any contractual supplements to salary; and
- the value of any contractual enhanced rates due to working rotas.

- 4.2 The comparator salary against which the frozen salary will be measured for termination will include:

- the value of any contractual or regular overtime;
- the value of any supplements to salary;
- the value of any enhanced rates due to working rotas; and
- any other elements of remuneration which form a regular element of the salary paid.

- 4.3 The underlying principle to the calculation of the frozen and comparator salaries is that an individual is being protected from being financially worse off as a result of management change. The arrangements are not intended to create a situation whereby an individual is better off through the facility of protection of salary and the addition of new or changed terms and conditions. An overall assessment of the net change in remuneration will therefore be the final determinant of any calculation.

5. Interpretation

- 5.1 Suitable alternative post - suitable alternative posts will be identified by management in discussion with the post holder concerned having regard to competencies and to relative salary levels. The Council's agreed Grievance Procedure will operate to resolve cases of disagreement on this or other aspects of the protection arrangements.

6. Duration of the Salary Protection Arrangements

- 6.1 Both management and UNISON Branch have the right to terminate this agreement at any time on the giving of three months' notice of that termination. Any variations sought to this agreement will be dealt with through the normal consultation arrangements.
- 6.2 Any individual in receipt of salary protection at the time of the review or discontinuance of the protection arrangements will continue to receive protection on the agreed terms and conditions for the full remainder of the period of protection to which they are subject.

7. Additional Option Available During Implementation of Job Evaluation

In addition to the standard salary protection arrangements applicable to instances of re-grading, the individual may request that a phased reduction of the difference between the 'frozen' salary and the salary for the new evaluated grade is substituted for the above. The allowance of this alternative will be at the discretion of the management and the following phasing would apply:

- Year 1 'new' salary plus 80% of difference
- Year 2 'new' salary plus 60% of difference
- Year 3 'new' salary plus 40% of difference
- Year 4 'new' salary plus 20% of difference
- Year 5 'new' salary plus 10% of difference

Pay Policy Statement 2022/2023

Annex 4 - Local Government Pension Scheme Employer Discretions - Statement of Policy

Employer Name: Eden District Council

The employer stated above has prepared this written statement of policy in relation to its exercise of certain discretionary functions available under the LGPS regulations.

Overarching Policy

In law even if an authority has a policy not to exercise discretion the Council would have to consider the application of a discretion if it were asked. The applicant would have to justify the exercise of the discretion and the Council would have to be satisfied that the application was appropriate and lawful.

The criteria in relation to the exercise of the discretions are general and the reference to considering any material factor or consideration would mean any relevant issue could be considered. The relevant policies make it absolutely clear that financial issues must be given due consideration. It is not practicable to encompass all factors which may be relevant.

Any exercise of any discretion which results in a financial cost to the Council will require approval in accordance with the Management of Change policy.

In all cases clear account will be taken of the individual circumstances of an applicant. The exercise of any discretion must be non-discriminatory, in accordance with policy and be affordable to the Council.

Part A - Mandatory policy statements - Formulation of policy in accordance with:
Regulation 60 of the Local Government Pension Scheme (LGPS) Regulations 2013

Paragraph 2 (2) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014

Regulation 66 of the Local Government Pension Scheme (Administration) Regulations 2008

Regulation 106 of the Local Government Pension Scheme Regulations 1997

Part A1 - Discretions from 1 April 2014 in relation to post 31 March 2014 active members and post 31 March 2014 leavers (excluding Councillor Members)

Power of Scheme employer to award additional pension

(Regulation 31 of the LGPS Regulations 2013)

An employer can grant extra annual pension of up to a maximum £7,194 (figure at 01 April 2020) to an active Scheme member or within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency. This maximum figure that can be initially awarded will be index linked and the level increased on the 1st April each year.

Employer's policy:

The Council will not normally grant extra annual pension except where there is a clear financial or operational advantage to be gained by the Council by doing so. Any exercise of any discretion which results in a financial cost to the Council will require approval in accordance with the Management of Change policy.

Any discretionary enhancement must not have the effect that the total cost of any redundancy or retirement would exceed a 3 year payback period. Any discretionary payment which may be approved would be reduced so that a pay back over a period of 3 years is achieved. In relation to any individual the total of any redundancy payment, the actuarial cost of any early payment of pension and the actuarial cost of any discretionary enhancements must be no more than 3 years' salary cost including any employer's costs. This cap is unlikely to affect many individuals as the cost to the Council of redundancies will on average be substantially less than 3 years of salary.

Power of Scheme employer to contribute towards the cost of a member purchasing additional pension

(Regulation 16 (2) (e) and 16 (4) (e) of the LGPS Regulations 2013)

Where an active Scheme member wishes to purchase extra annual pension of up to £7,194 (figure at 1 April 2020) by making Additional Pension Contributions (APCs), the employer may voluntarily contribute towards the cost of purchasing that extra pension via a Shared Cost Additional Pension Contribution. This maximum figure that can be initially purchased will be index linked and the level increased on the 1 April each year.

Employer's policy:

The Council will not normally contribute towards the cost of purchasing extra pension except where there is a clear financial or operational advantage to be gained by the Council by doing so.

Any exercise of any discretion which results in a financial cost to the Council will require approval in accordance with the Management of Change policy,

Flexible Retirement

(Regulation 30 (6) and (8) of the LGPS Regulations 2013, Regulations 3 (5), 11(2) and 11(3) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 and regulation 18(3) of the LGPS (Benefits, Membership and Contributions) Regulations 2007)

The Local Government Pension Scheme allows scheme members who have attained the age of 55 to draw all or part of their retirement benefits under flexible retirement arrangements even though they have not retired providing that:

- the employer consents, and
- there has been a reduction in hours, or
- a reduction in grade.

Specifically where the employer consents to flexible retirement then, in addition to the benefits the member has accrued prior to 1 April 2008 (which the member must draw), the employer can also allow the member to choose to draw all, part or none of the pension benefits they accrued after 31 March 2008.

However, benefits taken on flexible retirement will be subject to a potential actuarial reduction if they are being drawn earlier than the member's normal retiring age (flexible retirement provisions may be operated for members potentially up to a member's 75th birthday). The reductions applied will be in accordance with guidance issued by the government actuary. Employers can if they choose waive, in whole or in part, any reductions that might apply.

Employer's policy:

The Council will exercise this discretion, which operates within the Council's Management of Change policy. The procedure is available for use in certain circumstances where this can be justified in terms of criteria and affordability. It is not a general entitlement that enables employees to retire early.

The Chief Officer may determine any request for flexible retirement unless the request has any cost to the Council or if the request relates to a Chief Officer.

Any exercise of any discretion which results in a financial cost to the Council will require approval in accordance with the Management of Change policy,

**Early Retirement and Waiving Actuarial Reductions
(Schedule 2 paragraphs 1(2), 2(1), 2(2) and Regulation 3 (1) of the LGPS
(Transitional Provisions, Savings and Amendment) Regulations 2014, Regulation
30(8) of the LGPS Regulations 2013 and regulation 30(5) and 30A(5) of the LGPS
(Benefits, Membership and Contributions) Regulations 2007)**

If a member leaves a local government employment before they are entitled to the immediate payment of retirement benefits, then if they are age 55 or more (or having attained age 55 and have previously been awarded deferred benefits after 1 April 2014) they may choose to receive payment of them immediately.

Any benefits payable may be reduced as appropriate in accordance with guidance issued by the Government Actuary. Employers can if they choose waive, in whole or in part, any reductions that might apply and the employer must pay to the Pension Fund a sum representing the capital cost of waiving those reductions.

Due to the complexity in the level of protected benefits that now apply to different members, establishing what level of benefits can be waived can be difficult. Appendix 1 lists the options available to employers in terms of the level of reductions that can be waived and the grounds under which they may be waived.

Employer's policy:

The Council will not normally waive any actuarial reductions except where there is a clear financial or operational advantage to be gained by the Council by doing so.

Any exercise of any discretion which results in a financial cost to the Council will require approval in accordance with the Management of Change policy,

Part A2 - Discretions in relation to scheme members who ceased active membership on or after 1 April 2008 and before 1 April 2014 (excluding councillor members)

Power of Scheme Employer to Award Additional Membership (Regulation 3 (10) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 and regulation 12 of the LGPS (Benefits, Membership and Contributions) Regulations 2007)

An employer can within 6 months of the date of termination grant extra membership in the pension scheme to a Scheme member whose employment was terminated before 1 April 2014 on the grounds of redundancy or business efficiency. Note that this is a time limited discretion which expires on 30 September 2014 for those whose employment is terminated on 31 March 2014.

Employer's policy:

The Council will not exercise this discretion.

**Early release of deferred benefits with employer consent
(Regulations 30(2), (5), 30A(3) and (5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007)**

A policy decision concerning early release of benefits needs to be made in relation to members who have left the scheme between 1 April 2008 and 31 March 2014 with deferred benefits (or suspended tier 3 benefits) who make an application to release benefits on or after age 55 and before age 60.

In addition a further policy decision is required to determine whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before normal retirement age.

Employer's policy:

The Council will exercise this discretion and will consider requests for early release of benefits on an individual basis where this can be justified in terms of criteria and affordability.

Any exercise of any discretion which results in a financial cost to the Council will require approval in accordance with the Management of Change policy,

The Council will not exercise the discretion to waive actuarial reductions on compassionate grounds.

Part A3 - Discretions in relation to scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008.

Early release of Deferred Benefits with Employer Consent (Regulations 31(2) and (5) of the LGPS Regulations 1997)

A policy decision concerning early release of benefits needs to be made in relation to active members who have left the scheme between 1 April 1998 and 31 March 2008 with deferred benefits.

In addition a further policy decision is required to determine whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before normal retirement age.

*It should be noted that benefits paid on or after age 50 and before age 55 would be subject to an unauthorised payments charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, and a Scheme sanction charge on any benefits built up after 5 April 2006.

Employer's policy:

The Council will exercise this discretion and will consider requests for early release of benefits on an individual basis where this can be justified in terms of criteria and affordability.

Any exercise of any discretion which results in a financial cost to the Council will require approval in accordance with the Management of Change policy,

The Council will not exercise the discretion to waive actuarial reductions on compassionate grounds.

**Part A4 - Discretions in relation to scheme members who ceased active membership before 1 April 1998
(Regulation D11(2) (c) of the LGPS Regulations 1995)**

A policy decision concerning early release of benefits needs to be made in relation to active members who have left the scheme before 1 April 1998 who make an application on compassionate grounds to release benefits on or after age 50* and before age 60. Under these rules the sole discretion for an employing authority is that they may determine on compassionate grounds that benefits are to become payable on an unreduced basis.

*It should be noted that benefits paid on or after age 50 and before age 55 would be subject to an unauthorised payments charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, a Scheme sanction charge will not be payable.

Employer's policy:

The Council will not exercise the discretion to waive actuarial reductions on compassionate grounds.

Part B - Formulation of policy in accordance with further discretions under the Local Government Pension Scheme Regulations 2013

As highlighted in the employer bulletin, there are a number of other discretions which Scheme employers may exercise under the LGPS Regulations 2013. There is, however, no requirement to have a written policy in respect of these. However the following areas of discretion would be useful for scheme members, in order for them to establish the clear policy intention that the employers hold in these particular areas.

Shared Cost Additional Voluntary Contributions (SCAVCs) (Regulation 17 of the LGPS Regulations 2013, Regulations 15(1)(d) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014, Regulation 25(3) of the LGPS (Administration) Regulations 2008 and Regulation 15(3) of the LGPS (Benefits, Membership and Contributions) Regulations 2007)

An active member may elect to pay Additional Voluntary Contributions (“AVCs”) into a scheme established under contract between their appropriate administering authority and a body approved for the purposes of the Finance Act 2004.

An employer can, at its discretion, contribute to the AVC scheme and where they do the AVC scheme is known as a Shared Cost Additional Voluntary Contribution arrangement (SCAVC). An employer should establish whether, how much and in what circumstances to either continue with an existing SCAVC or enter into a new SCAVC.

Employer's policy:

<p>The Council will not exercise the discretion to share costs of any additional voluntary contributions arrangement.</p>

Late Transfer Requests (Regulation 100(6) and 22(7) and (8) of the LGPS Regulations 2013)

The Local Government Pension Scheme Regulations allow for the acceptance of transfer value payments into the fund (subject to the Pension Fund administering authorities approval) to enable members to transfer pension rights accrued prior to joining the scheme into the LGPS, and thereby count additional pension. This election should be made within 12 months of first joining the LGPS in the employment.

The discretion allowed under regulation 100(6) relates to the acceptance of transfers relating to non LGPS membership, where the member makes a request after the expiry of the first 12 months of joining the LGPS.

Previous LGPS rights are automatically aggregated unless an election to keep those accrued benefits separate is received. Regulations 22 (7) and (8) allow an employer to extend the 12 month time limit within which a Scheme member who has a deferred LGPS benefit in England or Wales following the cessation of employment (or cessation of a concurrent employment) to elect not to have the deferred benefits aggregated with their new LGPS employment (or on-going concurrent LGPS employment) if the member has not made an election to retain separate benefits within 12 months of commencing membership of the LGPS in the new employment (or within 12 months of ceasing the concurrent membership).

Employer's policy:

<p>The Council will not exercise this discretion, except in cases where an error has been made by the employer or administering authority.</p>
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**Contributions Payable by Active Members
(Regulation 9 and 10 of the LGPS Regulations 2013)**

An active member shall make contributions to the Scheme at the relevant contribution rate, from their pensionable pay, in each employment in which they are an active member. The contribution rate to be applied to their pensionable pay in any financial year is the rate determined by the employer with reference to the tiered contribution pay bands stated in the regulations.

Where there is a material change to a member's pensionable pay in the course of a financial year, the employer may re-determine the contribution rate to be applied.

Employer's policy:

The Council will exercise this discretion and reserves the right to review the rate of contribution following a change to an employee's pensionable pay.

**Assumed Pensionable Pay
(Regulation 21(4) and (5) of the LGPS Regulations 2013)**

Whether or not, when calculating assumed pensionable pay when a member:

- is on reduced contractual pay or no pay on due to sickness or injury, or
- is absent during ordinary maternity, paternity or adoption leave or during paid additional maternity, paternity or adoption leave, or
- is absent on reserve forces service leave, or
- retires with a Tier 1 or Tier 2 ill health pension, or
- dies in service

to include in the calculation the amount of any 'regular lump sum payment' received by the member in the 12 months preceding the date the absence began or the ill health retirement or death occurred. A 'regular lump sum payment' is a payment for which the member's employer determines there is a reasonable expectation that such a payment would be paid on a regular basis.

Employer's policy:

The Council will include any 'regular lump sum payment' in the calculation of assumed pensionable pay.

Part C - Mandatory policy statement* - Formulation of policy in accordance with:

Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006
Regulation 26 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000
Regulation 14 of the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

*The mandatory requirements for a written policy under these regulations do not extend to employers whose employees are members of the LGPS by virtue of an admission agreement however as the provisions still apply it would be deemed appropriate for a policy statement to be in place

Part C1 - Discretions in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006

**Redundancy and Compensation Payments
(Regulation 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006)**

These regulations provide a discretionary power to award a one-off lump sum payment of up to 2 years pay (104 weeks), inclusive of any redundancy payment made. This applies to any member who terminates their employment on the grounds of redundancy, efficiency or in the case of a joint appointment (not job shares) where termination arises because the other holder of the joint appointment has left it.

The provisions apply to all employees who are eligible for participation in the LG Pension Scheme, whether or not they are current members of the scheme.

There is also a discretionary power to waive the weekly pay ceiling placed on statutory redundancy payments and to calculate, instead, on pay up to the actual week's pay.

Employer's policy:

The Council will exercise its discretion to increase statutory redundancy payments in accordance with regulation 5 of the 2006 regulations. The calculation will be on the basis of the employee's actual week's pay. The statutory limit on the amount of the week's pay used in the calculation of the statutory redundancy payment will not be applied. The redundancy payment will be calculated on an individual's actual week's pay and taking account of his/her age and length of service based on the statutory redundancy pay reckoner. The calculation will be based on continuous local government service with any other local authority or employer covered by the Redundancy Payments Modification Order.

Under regulation 6 of the 2006 regulations the Council may augment the pensionable service of an employee or make a payment of additional pension.. The Council will not normally exercise this discretion except where there is a clear financial or operational advantage to be gained by the Council by doing so. Any exercise of any discretion which results in a financial cost to the Council will require approval in accordance with the Management of Change policy,

Part C2 - Discretions in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000

Redundancy and Compensatory Added Years Payments (Regulation 17, 19, 21 and 25 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000)

Prior to the 2006 discretionary regulations employers could award employees' additional service following a redundancy or efficiency retirement where that employee was over age 50. Although this facility is no longer available to current active employees, there are still discretionary decisions to be made in respect of employees who are already in receipt of additional service. These include:

- How to apportion any surviving spouses or civil partners annual compensatory added years' payment where the deceased person is survived by more than one spouse or civil partner.
- How the annual added years will be apportioned amongst any eligible children.
- Whether, in respect of the spouse of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998, the normal pension suspension rules should be ignored i.e. whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid or if the authority's policy is to apply the normal suspension rules, whether the spouse's or civil partner's annual compensatory added years payment should be reinstated after the end of the remarriage, new civil partnership or cohabitation.
- Whether and to what extent to reduce or suspend the member's annual compensatory added years payment during any period of re-employment in local government and how to reduce the member's annual compensatory added years payment following the cessation of a period of re-employment in local government.

Employer's policy:

The Council will apportion any surviving spouse or civil partner's payments equally where there is more than one surviving spouse or civil partner.

The Council will apportion any eligible children's payments equally.

Part C3 - Discretions in relation to the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

Injury Allowance Payments (Regulations 3 to 7 of the Local Government (Discretionary Compensation) (Injury Allowances) Regulations 2011)

Under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 Scheme employers must formulate, publish and keep under review a policy on:

- a) whether or not to make an injury award to those who sustain an injury or contract a disease as a result of anything they were required to do in performing the duties of their job and in consequence of which they:
 - suffer a reduction remuneration, or
 - cease to be employed as a result of an incapacity which is likely to be permanent and which was caused by the injury or disease, or
 - die leaving a surviving spouse, civil partner or dependant, and
- b) if the Scheme employer has a policy to make such payments, how it will determine the amount of injury allowance to be paid

Employer's policy:

Personal Accident Insurance is provided for all employees. This means that if a member of staff has an accident which results in death or disablement whilst at work, or travelling directly to or from work, they or their family will receive compensation. The compensation payable represents maximum sum equal to three times annual earnings for death or total disablement. If the accident causes the employee to give up their job they will also receive maximum compensation. There is a reduced rate of compensation for other injuries, depending upon the degree of injury sustained. The full policy is available for inspection in the Finance Department.

Declaration

It is understood that the above discretions are applicable to all eligible members of the Scheme. Any change to the discretions exercised under the LGPS Regulations can take immediate effect from the date the Scheme employer agrees the change except that any change to the discretions exercised under the Discretionary Compensation Regulations 2000, the Discretionary Compensation Regulations 2006 or the Injury Allowances Regulations 2011 cannot take effect until one month after the date the Scheme employer publishes a statement of its amended policy.

The policies made above:

- i. Have regard to the extent to which the exercise of the discretions could lead to a serious loss of confidence in the public service;
- ii. Will not be used for any ulterior motive;
- iii. Will be exercised reasonably;
- iv. Will only be used when there is a real and substantial future benefit to the employer for incurring the extra costs that may arise;
- v. Will be duly recorded when applied.

Appendix A - if voluntarily retiring

If there is an actuarial reduction regarding the particular tranche of membership, the employer has the right to:

	Group 1	Group 2	Group 3	Group 4
Part A	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.
Part B1	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.	Waive all or none on this on compassionate grounds.
Part B2	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.	Waive all, some or none on any grounds.	Waive all, some or none on any grounds.
Part C	Waive all, some or none on any grounds.	Waive all or none on compassionate grounds.	Waive all, some or none on any grounds.	Waive all, some or none on any grounds.
Part D1	Waive all, some or none on any grounds.	Waive all, some or none on any grounds.	Waive all, some or none on any grounds.	Waive all, some or none on any grounds.

Part A = membership to 31 March 2008

Part B1= membership 1 April 2008 to 31 March 2014

Part B2 = membership 1 April 2014 to 31 March 2016

Part C = membership 1 April 2016 to 31 March 2020

Part D1 = membership 1 April 2020 onwards

Group 1 member = a member who was an active member prior to 1 October 2006 and who was born on 31 March 1956 or earlier.

Group 2 member = a member who was an active member prior to 1 October 2006, was born between 1 April 1956 and 31 March 1960 inclusive, and who would reach their CRA by 31 March 2020.

Group 3 member = a member who was an active member prior to 1 October 2006 and who is not a Group 1 or Group 2 member

Group 4 member = a member who was not a member prior to 1 October 2006.

If member retires on flexible retirement, the employer may waive all, some or none of any reduction on any ground.