

## **COUNCIL – 23RD FEBRUARY 2015**

### **Report of the Personnel Committee**

#### **ITEM 8.3 PAY POLICY STATEMENT 2015/16**

##### Purpose of Report

To consider a recommendation of the Personnel Committee that the Pay Policy Statement for 2015/16 be approved and adopted.

##### Recommendations

1. That the Pay Policy Statement for 2015/16 be approved and adopted, as set out in the annex to the report considered by the Personnel Committee (attached as an Appendix).
2. That delegated authority be given to the Head of Strategic Support to amend the pay scale of the Chief Executive (Scale Point 90), set out in the Pay and Grading Structure contained within the Pay Policy Statement, should a pay award be agreed.

##### Reasons

1. To ensure that the Council meets its obligations under Section 38 of the Localism Act 2011.
2. To enable the Pay Policy Statement to be updated should a pay award for the Chief Executive be agreed.

##### Policy Justification and Previous Decisions

Under Section 38 of the Localism Act 2011, local authorities in England and Wales are required to produce an annual Pay Policy Statement, which must be approved by full Council and published on the Council's website before the commencement of each financial year.

At its meeting on 20th January 2015, the Personnel Committee considered a report of the Head of Strategic Support setting out the Council's Pay Policy Statement for the period 1st April 2015 to 31st March 2016. The Committee decided to recommend the Pay Policy Statement to Council for approval and adoption. The report considered by the Committee is attached as an appendix.

At the time of the Personnel Committee meeting, pay awards had not been agreed for Chief Officers and the Chief Executive. A pay award agreement was subsequently reached for Chief Officers but not for the Chief Executive. The Pay and Grading Structure contained within the Pay Policy Statement has been amended since its review by the Personnel Committee to reflect the agreement for Chief Officers (grades JNC A to JNC E) and the amended version is attached as an annex to the original Personnel Committee report.

The policy will need amending to reflect any agreement that is reached on a pay award for the Chief Executive and it is recommended that the Head of Strategic Support be given delegated authority to make this amendment.

#### Implementation Timetable including Future Decisions

If approved by Council, the Pay Policy Statement will be published on the Council's website either on or before 1st April 2015.

#### Report Implications

The following implications have been identified for this report:

##### *Financial Implications*

There are no financial implications arising from this decision.

##### *Risk Management*

There are no specific risks associated with this decision.

Background Papers: No additional background papers

Officer to Contact: Nicky Conway  
Democratic Services Officer  
(01509) 634787  
[nicky.conway@charnwood.gov.uk](mailto:nicky.conway@charnwood.gov.uk)

**PERSONNEL COMMITTEE – 20 JANUARY 2015****Report of the Head of Strategic Support****Part A**ITEM 5      PAY POLICY STATEMENT 2015/16Purpose of Report

To gain Personnel Committee approval on the Council's Pay Policy Statement covering the period of 1st April 2015 to 31st March 2016.

Recommendation

That the Pay Policy Statement for 2015/16, attached as an Annex, proceed to Full Council for formal approval and adoption.

Reason

To ensure that the Council meets its obligations under Section 38 of the Localism Act 2011.

Policy Justification and Previous Decisions

Under Section 38 of the Localism Act 2011, local authorities in England and Wales are required to produce an annual Pay Policy Statement, which must be approved by Full Council and published on the Council's website before the commencement of each financial year.

Implementation Timetable including Future Decisions

The Pay Policy Statement will be submitted for consideration by Full Council at their meeting on the 23rd February 2015. If approved, the statement will be published on the Council's website either on or before the 1st April 2015.

Report Implications

The following implications have been identified for this report

*Financial Implications*

There are no immediate financial implications arising from this decision.

*Risk Management*

There are no specific risks associated with this decision.

Background Papers:      None

Officer to Contact:

Adrian Ward

Telephone: 01509 634573

Email: [Adrian.ward@charnwood.gov.uk](mailto:Adrian.ward@charnwood.gov.uk)

## Part B

### Background

1. On the 15th November 2011 the Localism Act received Royal Assent. Under Section 38 of the Act, local authorities in England and Wales are required to produce a Pay Policy Statement for each financial year, which must be approved by Full Council.
2. The statement must set out the Council's policies in relation to:
  - i. The remuneration of its chief officers;
  - ii. The remuneration of its lowest-paid employees; and
  - iii. The relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers.
3. For the purposes of this statement, remuneration includes basic salary, bonuses and other allowances or entitlements related to employment.
4. This is the fourth Pay Policy Statement published by Charnwood Borough Council since the Localism Act was implemented. The Pay Policy Statement for 2015/16 will be consulted on and presented to Full Council for final approval, following Personnel Committee on the 20th January 2015.
5. The Pay Policy Statement for 2015/16 has been updated to provide a more comprehensive account of the Council's approach to the remuneration of its workforce.
6. The Council is required to publish the Pay Policy Statement for 2015/16 on or before the 1st April 2015.
7. The proposed Pay Policy Statement attached sets out:
  - The Council's approach to job evaluation and grading of posts;
  - Additional payments that employees are eligible to receive, such as overtime, enhancements etc.
  - The Council's pay multiple (the ratio between the highest paid employee and the median average salary of the Council's workforce), which is 5.00 (5.60 in 2014/15);
  - The Council's approach to pay progression, honorariums, market supplements, salary protection and the re-engagement of employees;
  - That there is no distinction between chief officers and other employees in relation to pension benefits and severance payments.

8. The sections which have been amended in the Pay Policy Statement for 2015/16 are:

- Lowest Paid Employees – this has been amended to reflect the current rate of pay for apprentices;
- A section on enhancements has been included to reflect the terms of the collective agreement implemented in 2014;
- Reference to subsistence has been made within the section on other allowances;
- Clarification on redundancy payments has been made within the Re-engagement of Employees to include another employer covered by the Redundancy Modifications Order;
- The value of the 'pay multiple', also within the Pay and Grading Structure section, has been adjusted to reflect the current ratio between the highest paid salary and the median average salary of the Council's workforce;
- Appendix B – Scale 1 has been amended to include the rate of pay for apprentices set out at 4b.
- Appendix C – Pension Scheme Discretionary Arrangements – Regulation 60 of the LGPS Regulations 2013 (as amended) require each scheme employer to publish and keep under review five policies explaining how it will apply certain discretions. The pension discretions have been agreed at SMT, and were discussed at JMTUM on 4 September 2014 and agreed at JMTUM on 20 November 2014.
- Reflects the NJC for Local Government Service Pay Award and Allowances for 2014 – 16 and the 2014 – 16 Craft Pay Award Agreement.

9. To date a pay award agreement has not been reached for Chief Officers and Chief Executives in time for the Personnel Committee meeting. The policy will need amending to reflect this if agreement is reached on a pay award.

### Consultation

10. The statement was agreed at the SMT meeting on the 10th September 2014 and JMTUM on the 20th November 2014.

### Annexes

Annex - Pay Policy Statement 2015/16.



## Pay Policy Statement 2015/2016

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### Purpose

As a responsible employer Charnwood Borough Council is committed to delivering a fair, equitable and transparent policy covering pay and other employee benefits which improves flexibility in delivering services and provides value for money.

Within the framework of its terms and conditions of employment, the Council aims to develop and maintain appropriate pay systems and benefit packages to attract and retain motivated, flexible people who take responsibility, work as a team, improve performance and acquire new skills.

This Pay Policy Statement sets out the Council's policies relating to the pay of its workforce for the period from 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2016, in particular the:

- Remuneration of Chief Officers;
- Remuneration of the lowest paid employees;
- Relationship between the remuneration of chief officers and employees who are not chief officers.

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The statement meets the Council's obligations under the Localism Act 2011 and will enable the elected members of the Council to make decisions on pay policy. Any decisions in relation to the remuneration of Chief Officers will be made in accordance with this Pay Policy Statement.

The Council's Pay Policy Statement will be agreed by Full Council before the beginning of each financial year. The statement may also be amended by Full Council during the course of the year if necessary.

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## Scope

This statement applies to all employees of Charnwood Borough Council employed under the conditions of service of the following bodies:

- National Joint Council for Local Government Services (Green Book);
- Joint Negotiating Committee for Chief Officers of Local Authorities;
- Joint Negotiating Committee for Local Authority Chief Executives;
- Joint Negotiating Committee for Local Authority Craft and Associated Employees (Red Book).

Employees who have TUPE transferred across from other organisations will remain on their existing terms and conditions unless agreed otherwise.

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## Definitions

For the purposes of this Pay Policy Statement the following definitions will apply:

### **Remuneration**

This includes three elements:

- Basic salary;
- Pension;
- Any other allowances arising from employment.

### **Chief Officers**

Under the Localism Act 2011 a Chief Officer is defined as:

- The head of the Council's paid service designated under section 4(1) of the Local Government and Housing Act 1989;
- Its monitoring officer designated under section 5(1) of that Act;
- A statutory chief officer mentioned in section 2(6) of that Act;
- A non-statutory chief officer mentioned in section 2(7) of that Act;
- A deputy chief officer mentioned in section 2(8) of that Act.

In Charnwood Borough Council this relates to the posts set out in [Appendix A](#).



## Lowest Paid Employees

The Council currently employ apprentices who are paid at Scale 1, Pay Point 4b. Additionally Joint Negotiating Committee for Craft and Associated Employees (Red Book) apprentices are paid in accordance with the requirements of that agreement.

For all other posts, this refers to employees on Scale 1, Pay Point 10. This definition has been adopted as it is the lowest level of remuneration attached to a post within the Council, other than apprenticeship posts. Charnwood Borough Council adopted the principles of the Living Wage on 1 April 2013. This involved the deletion of spinal column points 4 to 9 within Scale 1, as these points were below the current Living Wage hourly rate of £7.45, and increasing spinal point 10 from £7.19 to £7.45. Scale 1 now comprises 2 spinal column points, 10 and 11. As spinal column point 11 was also the bottom point of Scale 2, the decision was taken to delete this point from Scale 2 and remove the anomalous situation whereby the same pay point features in two pay grades. As a result, Scale 2 now comprises 2 column points, 12 and 13.

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## Pay and Grading Structure

The grading of all posts within Charnwood Borough Council is determined using the nationally recognised Hay Job Evaluation Scheme. This is in order to ensure that all posts are graded and therefore rewarded financially through a fair and non-discriminatory process, that there is consistency in treatment between posts and that the Council complies with equal pay legislation. The scheme is an analytical one that takes into consideration three key elements of a post:

- Know How - the levels of knowledge, skill and experience (gained through work experience, education and training) which are required to perform the job successfully;
- Problem Solving - the complexity of thinking required to perform the job when applying Know How;
- Accountability - the impact the job has on the organisation and the constraints the job holder has on acting independently.

The Council follows the NJC national agreement on pay and conditions of service (the Green Book) which includes the use of national pay scales. Advice was taken from Hay during the implementation of the job evaluation scheme in order to determine the relationship between the scoring of posts under the scheme and the relevant pay grade.

However a small number of staff employed under the Joint Negotiating Committee for Local Authority Craft and Associated Employees (Red Book) are paid on a different pay scale, a copy of which is attached at [Appendix B](#).

Basic pay is paid in accordance with the evaluated grade of the post. Each grade comprises a range of scale points. A copy of the Council's pay and grading structure

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is attached at [Appendix B](#). The current pay award for all employees up to and including P04 (SCP 49) follows the national award made by the National Joint Council for Local Government Employees and covers the period 1 April 2014 to 31 March 2016. The Craft Pay Rates for 2014 – 16 have been agreed and cover the period 1 April 2014 – 31 March 2016. The award for Senior Management on JNC grades has also been agreed from 1 January 2015 – 31 March 2016. The Chief Executive's negotiating body has not agreed a pay award to date..

Any pay awards for all Charnwood Borough Council employees, including senior management on JNC grades and the Chief Executive for 2014 will be administered as appropriate, if and when that pay award is agreed.

A copy of the Council's organisation chart, showing grades of posts, can be found on the [Council's website](#).

Details of senior management remuneration are published annually in the [Council's Statement of Accounts](#) which are available on the website.

The 'pay multiple' - the ratio between the highest paid salary (Chief Exec scale - spinal point 90) and the median average salary of the Council's workforce is 5.00.

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## Remuneration on Appointment

All employees are usually appointed to the minimum scale point applicable to the grade of the post. Managers have discretion in some circumstances to appoint to a higher scale point, subject to the maximum of the grade.

Full Council will be given the opportunity to consider remuneration packages over £100,000 per annum (including salary, any bonuses, fees or allowances routinely payable to the appointee and any benefits in kind to which the officer is entitled as a result of their employment) before new posts are established and advertised.

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## Market Premia

There is provision for the award of a market premium (i.e. a temporary additional payment) where it can be shown that the salary level of a job is having an adverse impact on the Council's ability to recruit and retain the appropriate calibre of employee into a post. The award of a market premium is subject to the agreement of the relevant Strategic Director. If approved, market premia are awarded for a maximum period of three years. It is anticipated that market premia will be awarded on very limited occasions. Details of the scheme can be found in the Council's Market Premia Policy and Procedure.

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## Pay Progression

### Chief Officers

Progression through the pay grade for Chief Officers is dependent on them achieving set criteria and objectives which are agreed at the officer's annual Performance Development Review. This does not apply to the Chief Executive as this role is on a spot salary and therefore does not have grade progression.

### Other Employees

Subject to satisfactory service, employees covered by the conditions of service of the National Joint Council for Local Government Services and the Joint Negotiating Committee for Local Authority Craft and Associated Employees are eligible to receive annual increments on 1<sup>st</sup> April each year until they reach the maximum scale point for the grade of their job. If the employee's start date is between 1<sup>st</sup> October and 31<sup>st</sup> March then their first increment will be paid after completing 6 months in post. Any subsequent increments, until the maximum of the grade is reached, will be paid on 1<sup>st</sup> April thereafter.

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## Enhancements

From 1 January 2014 the Council agreed a change in rate of enhancement for evening, weekend and bank holiday working for employees at Grade 6 and below. Employees required to work on Saturdays, Sundays and Bank Holidays as part of their normal working week will be recompensed at time and a quarter for evenings and Saturdays, and time and a half for Sundays and Bank Holidays.

## Overtime Payments

'Overtime' is defined as hours worked in excess of 37 per week. However, part-time employees are entitled to the additional hours enhancements in circumstances in which full-time employees in the establishment would qualify. Employees in posts graded up to Scale 6 who work additional hours are eligible to receive payment at double time rate for hours worked on Sundays, bank holidays or extra statutory days and time and a half for hours worked at any other time.

Employees in posts graded SO1 and above, who work additional hours are not eligible for payment, but may receive time off in lieu.

Heads of Service are also authorised to make payments, within existing budgets, for overtime to employees graded SO1 to PO4 for time limited projects of a non-repetitive nature as follows:

- (a) Plain time up to an agreed maximum number of hours for a particular project and over a certain number of weeks/months; or
- (b) A lump sum to cover completion of a particular project by an agreed deadline.

Where the payment of a lump sum is agreed in accordance with (b) above, it should not be made in full unless the project is completed by the due date and that provision for claw back considered for inclusion in the scheme. Payments for overtime cannot be authorised retrospectively.

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## Other Allowances

All Chief Officers receive allowances as detailed in the Conditions of Service of the Joint Negotiating Committee for Chief Officers of Local Authorities and the Joint Negotiating Committee for Local Authority Chief Executives. However, where these conditions are silent or do not cover an allowance or process, the Chief Officer / Chief Executive will receive the same as those employees covered by the National Joint Council for Local Government Services.

Copies of the conditions of service for all employees covered by this statement can be requested from the [Local Government Employers website](#).

### **Essential Car User**

Posts that are designated as essential car user, including those of Chief Officers, receive a monthly allowance and are eligible to claim mileage allowances as per the NJC Conditions of Service.

### **Broadband**

Employees who meet the criteria for home working are able to claim a broadband allowance. Details of the scheme can be found in the Council's Home Working Policy and Procedure.

### **Professional Fees**

The Council will pay the annual fee for membership of a professional body if it is considered a requirement of the individual's job.

### **First Aid Allowances**

Employees who are classified as a 'designated first-aider' are eligible to receive an allowance.

### **Standby and Call-Out Payments**

Employees who are required to provide out of hours call-out cover for essential services are eligible to receive a standby payment. Employees graded at PO1 or above will usually receive time off in lieu rather than payment. Those graded at JNC A or above are expected to respond as part of their role and will not receive any additional payments. Details of the scheme can be found in the Council's Policy for Standby and Call-Out Payments.

### **Emergency Planning**

Employees who volunteer to respond in emergency situations are eligible to receive a payment. Details of the provisions can be found in the Employee Handbook.

## Subsistence

Employees who are eligible to claim subsistence do so in accordance with the rate agreed locally for subsistence.

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## Bonus Payments

The Council does not pay any group of employees a bonus.

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## Pension Benefits

All employees under the age of 75 are eligible to join the Local Government Pension Scheme. The scheme is a statutory scheme with contributions from employees and employers. Details of the scheme can be found on the [Local Government Pension Scheme website](#).

The scheme allows for the exercise of discretion by employers. A copy of the Council's approach to these discretionary regulations can be found at [Appendix C](#). The Council will consider each case on its merits, but has determined that its usual policy is not to enhance benefits for any of its employees.

The scheme provides for flexible retirement. To be eligible to request flexible retirement, the Council normally requires that an employee either reduce their working hours by a minimum of 40% and/or be appointed to a post on a lower grade. If an employee wishes to reduce their hours of work by a lesser amount, they can still apply for flexible retirement, as each case will be considered on an individual basis. In applying this provision no distinction is made between employees.

Under the Local Government Pension Scheme there is no abatement (i.e. reduction or suspension) of pensions for employees who return to work after drawing their pensions except in the circumstance where they have previously been awarded "added years".

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## Honoraria

Subject to certain conditions, employees who are temporarily required to undertake some or all of the duties of a higher graded post are eligible to be paid an honorarium. Details of the scheme can be found in the Council's Honoraria and Acting-Up Policy and Procedure.

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## Salary Protection

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Employees are eligible to receive salary protection for a period of up to three years if they are redeployed into a lower-graded post. Details of the provisions can be found in the Council's Organisational Change Policy and Procedure.

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## Severance Payments

### **Early Retirement (Efficiency of Service)**

The Council has discretionary provisions for employees to seek early retirement on the grounds of efficiency of service. Details of the scheme can be found in the Council's Retirement Policy and Procedure.

### **Redundancy**

The Council has a single redundancy scheme which applies to all employees. Redundancy payments are calculated in accordance with the Employment Rights Act 1996 and the 2006 Discretionary Compensation Regulations and are based on the employee's age, length of continuous local government service and salary. The payment mirrors the statutory table but provides a multiplier of 2. Details of the redundancy scheme can be found in the Council's Organisational Change Policy and Procedure.

Employees have the option of using their redundancy payment, in excess of the statutory redundancy payment, to purchase a period of membership in the Local Government Pension Scheme. The amount of membership purchased by the cash sum will vary depending on the age of the employee and the number of year's service.

The Council does not provide any further payment to employees leaving the Council's employment other than in respect of accrued annual leave.

In future, Full Council will be given the opportunity to vote on severance packages over £100,000 before they are approved. The information presented will clearly set out the components of the severance package (e.g. salary paid in lieu, redundancy compensation, pension entitlements, holiday pay and any bonuses, fees or allowances paid).

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## Re-Engagement of Employees

Employees who have been made redundant are eligible to apply for vacancies which may arise after they have left the Council's employment. Any such applications will be considered together with those from other candidates and the best person appointed to the post. Any necessary adjustments to pension would be made in accordance with the scheme regulations.

Employees who are offered another post with the Council, or another employer covered by the Redundancy Modifications Order, prior to their redundancy leaving

date and commence this post within 4 weeks of that date are not eligible to receive their redundancy payment.

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## Election Duties

The Chief Executive receives additional payments as the Returning Officer (or equivalent) for elections taking place within the Borough, to which role he has been appointed by the Council. These payments are funded by the organisation responsible for each election, which can include the Borough Council, County Council, Parish and Town Councils, and the Government.

Election fees and expenses for Borough, Town and Parish Council elections are agreed annually by Full Council. For other elections, the scale of fees and expenses is specified by the relevant organisation.

The Chief Executive may also, on appropriate occasions, require officers, which may include Chief Officers, to undertake Deputy Returning Officer roles and other election duties. They will be remunerated for undertaking these roles.

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## Publication and Access to Information

This Pay Policy Statement will be published on the Council's website, together with the Council's pay and grading structure and information relating to senior management remuneration.

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## Appendix A - Charnwood Borough Council's Chief Officers

<u>POST TITLE</u>
Chief Executive
<b>Neighbourhood and Community Wellbeing</b>
Strategic Director - Neighbourhood and Community Wellbeing
Head of Cleansing and Open Spaces
Head of Leisure and Culture
Head of Neighbourhood Services
<b>Corporate Services</b>
Strategic Director - Corporate Services
Head of Finance and Property Services
Head of Revenues, Benefits and Customer Services
Head of Strategic Support
<b>Housing, Planning, Regeneration and Regulatory Services</b>
Strategic Director - Housing, Planning, Regeneration and Regulatory Services
Head of Housing
Head of Landlord Services
Head of Planning and Regeneration
Head of Regulatory Services

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## Appendix B - Pay and Grading Structure

Effective from 1<sup>st</sup> January 2015

Grade	Scale Point	Annual Salary (£)
1	10	14698
	11	15207
2	12	15523
	13	15941
3	14	16231
	15	16572
	16	16969
	17	17372
4	18	17714
	19	18376
	20	19048
	21	19742
5	22	20253
	23	20849
	24	21530
	25	22212
6	26	22937
	27	23698
	28	24472
SO1	29	25440
	30	26293
	31	27123
SO2	32	27924
	33	28746
	34	29558
PO1	35	30178
	36	30978
	37	31846
	38	32778

Grade	Scale Point	Annual Salary (£)
PO2	39	33857
	40	34746
	41	35662
	42	36571
PO3	43	37843
	44	38405
	45	39267
	46	40217
PO4	47	41140
	48	42053
	49	42957
JNC A	50	44856
	51	46011
	52	47154
	53	48309
JNC B	54	49461
	55	50604
	56	51873
	57	53133
JNC C	58	55233
	59	56481
	60	57738
	61	58989
JNC D	62	63432
	63	65016
	64	66606
	65	68190
JNC E	66	69771
	67	71379
	68	72984
	69	74592
	74	85752
	90	114327

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Pay Grades for Joint Negotiating Committee for Local Authority Craft and Associated Employees

	<b>Scale Point</b>	<b>Annual Salary (£)</b>
<b>Group 1</b>	<b>25</b>	<b>22,212</b>
	<b>27</b>	<b>23,698</b>
	<b>31</b>	<b>27,123</b>
<b>Group 2</b>	<b>25</b>	<b>22,212</b>
	<b>26</b>	<b>22,937</b>
	<b>28</b>	<b>24,472</b>
<b>Group 3</b>	<b>23</b>	<b>20,849</b>
	<b>24</b>	<b>21,530</b>
	<b>27</b>	<b>23,698</b>
<b>Group 4</b>	<b>18</b>	<b>17,714</b>
	<b>19</b>	<b>18,376</b>
	<b>20</b>	<b>19,048</b>

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## Appendix C - Pension Scheme Discretionary Arrangements

### Local Government Pension Scheme (LGPS) Regulations Policy Statement on all Eligible Employees

Under Regulation 60 of the LGPS Regulations 2013, (as amended), each scheme employer must publish and keep under review a Statement of Policy to explain how it will apply certain discretions allowed under the Pension Regulations.

This statement is applicable to all employees of Charnwood Borough Council who are eligible to be members of the LGPS.

The Council is required to publish the following five policies.

#### **LGPS Regulations – Regulation 31: Power of employer to award additional pension**

##### **Explanation and Employer's Policy**

An employer may resolve to award a member additional pension of not more than £6,500 (figure as at 1 April 2014) a year within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency.

The Council will not normally agree to award an additional pension under this regulation

#### **LGPS Regulations 2013 – Regulation 16(2)(e) and 16(4)(d) : Funding of additional pension contributions (shared cost)**

##### **Explanation and Employer's Policy**

An active member in the main section of the scheme who is paying contributions may enter into arrangements to pay additional pension contributions (APCs) by regular contributions of a lump sum.

Such costs may be funded in whole or in part by the member's Scheme employer.

The employer will need to determine a policy on whether it will make a contribution towards the purchase of extra pension.

This does not relate to cases where a member has a period of authorised unpaid leave of absence and elects within 30 days of return to work to pay a shared cost APC to cover the amount of pension "lost" during that period of absence. In these cases the employer MUST contribute 2/3rds of the cost (Regulation 15(5) of the LGPS Regulations 2013.

The Council has not adopted this discretion.

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## **LGPS Regulations 2013 – Regulation 30 (6):Flexible Retirement**

### **Explanation and Employer's Policy**

An active member who has attained the age of 55 or over who reduces working hours or grade of an employment may, with the Scheme employer's consent, elect to receive immediate payment of all or part of the retirement pension to which that member would be entitled in respect of that employment if that member were not an employee in local government service on the date of the reduction in hours or grade, adjusted by the amount shown as appropriate in actuarial guidance issued by the Secretary of State.

The Council has agreed to release pension where there is no costs and not to waive any reduction.

Members must reduce their hours by a minimum of 40% and/or reduce their grade.

The Council may however allow the release of pension where there is a cost or waive reduction in a potential redundancy situation, where a reduction may occur through redeployment, or in other exceptional circumstances supported by a business case.

## **LGPS Regulations 2013 – Regulation (paragraph 1(1)(c) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014):Switching on rule of 85**

### **Explanation and Employer's Policy**

A member who has not attained normal pension age but who has attained the age of 55 or over, may elect to receive immediate payment of a retirement pension in relation to an employment if that member is not an employee in local government service in that employment, reduced by the amount shown as appropriate in actuarial guidance issued by the Secretary of State.

In these circumstances (other than flexible retirement) the 85 year rule does not automatically apply to members who would otherwise be subject to it who choose to voluntarily draw their benefits on or after age 55 and before 60.

The employer has the discretion to "switch on" the 85 year rule for such member (paragraph 1 (1)(c) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014.

If the employer does agree to switch back on the rule of 85, the cost of any strain on the fund resulting from the payment of benefits before age 60 would have to be met by the employer.

The Council will not apply either discretion, unless there is a business case to support this as an alternative to a redundancy situation.

**LGPS Regulations 2013 – Regulation (paragraph 2(1) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014): Waiving of actuarial reduction**

An employer has the discretion, under a number of retirement scenarios, to waive actuarial reductions on compassionate grounds. The cost of which would fall upon the employer. “Compassionate grounds” is not defined in the regulations.

The Council will not apply this discretion, unless there are exceptional circumstances.

The Personnel Committee and the Director involved will consider any cases and will decide whether the actuarial reductions should be waived. In all cases the financial position of the Charnwood Borough Council must be considered.

Under Regulation 66 of the LGPS Administration Regulations 2008, (as amended), each scheme employer must publish and keep under review a statement of Policy to explain how it will apply certain discretions allowed under the Pension Regulations.

**LGPS Benefits Regulations - Regulation 30: Early payment of retirement benefits at the member, or former members request**

**Explanation & Employer’s Policy**

A scheme member or former member can request that the Employer grant early retirement between 55 & 60 years old.

It is possible that, where a member’s pension is introduced early, these benefits will be reduced. The reduction is calculated in accordance with guidance issued by the Government Actuary. As an employer you may determine not to apply any reduction.

The Council will not consider the premature retirement of an employee except on compassionate grounds. To qualify for consideration, an employee must be entitled to a pension under the LGPS. The Council will not consent to request for early retirement where capital costs are applicable unless there are exceptional circumstances. The Council will, in principle, consider request for early retirement as an application of early retirement arising from redundancy where the request would result in the same cost, a lower cost, or nil cost to the Council. In all cases, early retirement will only be considered when supported by a justifiable business case.

**LGPS Benefits Regulations - Regulation 18: Requirements as to time of payment (Flexible Retirement)**

Title: Pay Policy and Procedure  
Version: v1.14  
Agreed At:  
Date Agreed:

## **Explanation & Employer's Policy**

A member who is 55 or over, and with their employer's consent, reduces their hours and/or grade can, but only with the agreement of the employer, can make an election to the administering authority for payment of their accrued benefits without having retired from employment. It is possible that, where a member's pension is introduced early, these benefits may be reduced. The reduction is calculated in accordance with guidance issued by the Government Actuary. As an employer you may determine not to apply any reduction.

Whilst request which result in a cost to the Council will generally not be approved there may be instances where granting flexible retirement will enable departments to review their requirements, e.g. succession planning, managerial or specialist skills development, or ultimately achieve other efficiency savings through staff movement/structure changes etc. That is to say, there must be a significant organisational benefit to the Council.

In considering any request for flexible retirement the following business reasons are to be taken into account:

- Cost to the Council in releasing the scheme member's pension
- Requirement/ability to recruit to the vacated hours or grade
- Additional costs as a result of recruitment/training to the vacated hours or grade
- Capacity to re-allocate work amongst co-workers
- Impact on service delivery and work performance
- Suitability of individual's proposed working arrangements, i.e. days, hours etc.

This scheme will not apply where there are formal conduct or performance issues and the appropriate procedures should be invoked in those circumstances.

## **LGPS Administration Regulations – Regulation 25 (3) and LGPS Benefits Regulations – Regulation 15 (3): Shared Cost Additional Contribution Facility**

### **Explanation & Employer's Policy**

This discretion allows the Employer to maintain and contribute to an employee's Additional Voluntary Contribution Scheme.

The Council has not adopted this discretion. This will not have any effect on the existing AVC facility available where the employee only is able to make such contributions.

## **LGPS Benefits Regulations - Regulation 12: Augmentation (increase of scheme membership)**

### **Explanation & Employer's Policy**

Title: Pay Policy and Procedure  
Version: v1.14  
Agreed At:  
Date Agreed:

An employer may resolve to increase the total membership of an active member.

The Council has not adopted this discretion. This decision does not affect the discretion available to the employer to allow a scheme member to convert a lump sum discretionary payment using the augmentation factors. (See Early Termination of Employment Discretionary Compensation).

### **LGPS Benefits Regulations - Regulation 13: Power of employer to award additional pension**

#### **Explanation & Employer's Policy**

An employer may resolve to award a member additional pension of not more than £5000 a year payable from the same date as his pension payable under any other provisions of these Regulations. Additional pension may be paid in addition to any increase of total membership resolved to be made under regulation 12.

The Council has not adopted this discretion.

### **The Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006**

New provisions provide local government employers with the powers to consider making a one off lump sum payment to an employee which must not exceed 104 week's pay. The regulations no longer provide for the award of compensatory added years.

This statement is applicable to all employees of Charnwood Borough Council who are eligible to be members of the LGPS.

### **Regulation 5: Power to increase statutory redundancy payments**

#### **Explanation & Employer's Policy**

The Employer may decide to calculate a redundancy payment entitlement as if there had been no limit on the amount of a week's pay used in the calculation.

The Council has decided to adopt this discretion and base redundancy payment calculations on an unrestricted week's pay.

### **Regulation 6: Discretionary Compensation**

#### **Explanation & Employer's Policy**

A "one off" lump sum compensation payment may be awarded to an employee up to a maximum value of 104 weeks pay, inclusive of any redundancy payment made. If

the above Regulation is adopted, employees who are members of the LGPS can be given the option of converting compensation payments, (less the statutory redundancy payment), into additional pensionable service, in accordance with the augmentation factors provided by the authority. An employer should specify whether they intend to provide this option.

Employees who have been continually employed for two years or more by members of the modification order will receive a redundancy payment. The payment is based on the statutory formula with a multiplier X 2 applied. The maximum number of weeks an individual can receive is 60 weeks. Employees have the option of using their redundancy payment, in excess of the statutory redundancy payment, to purchase a period of membership in the LGPS.

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