


Sandy Town Council

To: Cllrs Aldis, Jackson, Osborne, Pettitt, Runchman, Walsh and Sutton (Chairman)
cc: Cllrs Ali, Butterfield, Cole, Groom, Scott, Sharman, Sharp and Smith

You are hereby summoned to attend a meeting of the Human Resources Committee of Sandy Town Council which will be held in the Council Chamber at 10 Cambridge Road, Sandy, Bedfordshire on Monday 16 June 2014 at 7.30 pm for the purpose of transacting the items of business below.



Delia Shephard, Town Clerk
10 Cambridge Road
Sandy, Bedfordshire
SG19 1JE
01767 681491
9 June 2014

A G E N D A

- | | | Reports |
|---|---|-----------------------|
| 1 | Apologies for absence | x |
| 2 | Declarations of interest
<i>Under the Localism Act 2011 members of Council are not required to make oral declarations of interest at meetings but may not participate in discussion or voting on any items of business in which they have a Declarable Pecuniary Interest (DPI) and under Sandy Town Council's Standing Orders must leave the room for the duration of all discussion on such items. (All members' register of interests are available on the Sandy Town Council website or on application to the Clerk.)</i>
<i>This item is included on the agenda to enable members to declare new DPIS and also those who wish to do so may draw attention to their stated DPIS and also any non-declarable personal interests which they have declared under Sandy Town Council's adopted Code of Conduct and which may be relevant to items on the agenda.</i>
<i>i) Disclosable Pecuniary Interests</i>
<i>ii) Non-disclosable Pecuniary Interests</i> | |
| 3 | Minutes of previous HR Advisory Group meeting
To consider the minutes of a meeting of the HR Advisory Group meeting held on 17 April 2014 and to confirm them as a correct record of proceedings. | Previously circulated |
| 4 | Election of Vice-chairman
To elect a vice-chairman of the committee. | x |
| 5 | Terms of reference and meeting arrangements
To review the terms of reference and confirm meeting arrangements for the meetings scheduled for Monday 15 September 2014, Monday 17 November 2014 and Monday 16 March 2015. | x |

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- 6 Council's responsibilities as an employer***
- 6.1** To receive a confidential annual briefing from the Town Clerk on the Council's responsibilities as an employer and the roles and responsibilities of Town Clerk, other staff, Town Mayor, the council, external HR advice givers, the HR Committee and the HR Subcommittee and issues concerning the operation of these roles and responsibilities during the past year. x
- 6.2** To consider the impact of specific correspondence received by the Town Clerk from a member of the public which forms part of an ongoing sequence of correspondence, and its impact on the efficient working of the whole staff team. x
- 7 Pension Arrangements**
- To consider a report from the Town Clerk on the Council's statutory obligation to produce a Local Government Pension Scheme 2014 Employer Policy statement detailing Sandy Town Council's policy on discretionary aspects of the scheme by 30 June 2014 and to make necessary recommendations to Council. To follow
- 8 HR and H&S Specialist Advice**
- To consider provision of specialist Human Resources support and Health and Safety Competent Person support to Sandy Town Council for the period beginning 1 August 2014. ✓
- 9 Interim Staff Report***
- To receive a report from the Town Clerk on interim management and staff arrangements implemented following the resignation of the former Deputy Clerk and the Council's decision to delay the restructure of the Council's staff team and to consider recommendations including potential changes to individual staff terms and conditions. Confidential report to be sent to members under separate cover
- 10 Staff Restructure***
- To agree actions regarding the restructure of Sandy Town Council staff structure previously approved. x
- To receive an oral update report from the Town Clerk on potential alterations to Town Council buildings and the impact on staff.
- 11 Health and Safety Accident Report***
- To consider a report on workplace health and safety including accidents, injuries and relevant general welfare issues. Confidential report to be sent to members under separate cover

**Members of the public and press are warned that under the Public Bodies (admission to Meetings) Act 1960 (as extended) they are likely to be excluded from the meeting for this item of business on this agenda should the committee resolve that the item involves the likely disclosure of confidential personal information as defined as exempt information in Part 1 of Schedule 12a of the Local Government Act 1972 (personal and confidential data).*

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Human Resources Committee Monday 16 June 2014

R E P O R T S

5 Extract from Scheme of Delegations adopted by Sandy Town Council May 2014 for review by the committee:

3. HUMAN RESOURCES COMMITTEE

Purpose of the Committee

This committee is appointed to make decisions about all staffing matters subject to budget and expenditure limits decided by the PF&R committee and has delegated powers within these limits. Membership shall comprise 7 members and the committee will report to the Town Council.

The meetings of the committee will be open to members of the public but in practice in order to comply with the requirements of the Data Protection Act 1998 many items of business may be considered as confidential items.

Operation

The committee will meet no less than 4 times per year in line with the published schedule and receive reports as described in the schedule. The committee will appoint a chairman and vice-chairman for each civic year.

Terms of reference

- 1 To establish and keep under review the staffing structure of the council in consultation with the PF&R Committee
- 2 To draft, implement and monitor and review staff policies and to make recommendations regarding the outsourcing of specialist HR advice
- 3 To establish and review salary pay scales for all staff and to be responsible for their administration; also to make recommendations on staffing related expenditure to the PF&R Committee
- 4 To oversee the recruitment and appointment of staff
- 5 To keep under review staff working conditions and the health and safety at work of all council employees
- 6 To consider any appeal against a decision in respect of pay
- 7 To establish and review performance management systems, including annual appraisals and to make arrangements for the annual appraisal of

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the Clerk

- 8 To oversee any process leading to dismissal of staff (including redundancy)
- 9 To consider grievances and disciplinary matters
- 10 To oversee the work of the Clerk and to handle grievance and disciplinary matters and pay disputes

Town Clerk's Responsibilities

The Town Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including:

- 1 the employment of temporary employees
- 2 the employment of permanent employees in conjunction with members of the Human Resource Committee
- 3 control of staff performance and discipline, including the power of temporary suspension from duties
- 4 monitoring, management and reporting of regular or sustained staff absence
- 5 payment of expenses and allowances in accordance with the Council's agreed policies
- 6 to present to the Human Resources Committee recommendations for employees' increments, in accordance with the Council's staff appraisal system
- 7 The Town Clerk will also report on HR matters to the Human Resources Committee.

Annual Schedule of Meetings

Meeting 1 (ie after annual meeting)

Election of Chairman

HR Briefing for members on role and responsibilities of committee

Meeting 2

Meeting 3

Report on annual appraisal process (not individuals)

Recommendations for increments

Recommendation for training budget for forthcoming year

Meeting 4

Review of absence/sickness for preceding calendar year

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Every meeting

Report on relevant Health and Safety issues, reports of accidents etc

Report on relevant training issues

Report on disciplinary and policy issues

(Based on schedule agreed October 2012)

There is a sub-committee of the HR Committee whose purpose is to deal with complaints and grievances and the sub-committee has delegated authority to deal with these in line with the policies outlined in the employment handbook of the council. The public has no right of advance notification or right to attend a meeting of the staffing sub-committee since its delegated business will always be confidential as it will involve personal information.

1. HUMAN RESOURCES SUB-COMMITTEE

Purpose of the Committee

This sub-committee is appointed to consider grievance or disciplinary matters (not including any appeal therefrom) referred from the staffing committee and to manage the Town Clerk. Membership shall comprise 3 members and the committee will report to the HR Committee.

Operation

The sub-committee will meet as required. The sub-committee will appoint a chairman for each year.

Terms of reference

1. To consider grievance or disciplinary matters in accordance with the council's grievance or disciplinary policies as laid out in the employment hand-book
2. To manage and appraise the Town Clerk
3. To consider any appeal by the Clerk against a decision on pay

(If an appeal is to be held against the decision of the sub-committee, this must be taken to another sub-committee appointed for this purpose. As a sub-committee must be composed of three members at least, it may be necessary to make up a sub-committee from any remaining HR committee members who have not been involved in the matter it may also be necessary to include members of council who are not members of the main HR committee in some circumstances.)

Meeting Arrangements

These dates have been pre-arranged: Monday 15 September 2014, Monday 17 November 2014 and Monday 16 March 2015. Members are invited to make any

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changes deemed necessary.

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6.1 Council's responsibilities as an employer

Powerpoint presentation to be given at the meeting by the Clerk.

6.2 Correspondence from an individual member of the public and members/officers of Sandy Town Council has previously been considered by members of the HR Advisory Group and the Town Council because of

1. the impact that the quantity of correspondence has had on the efficient working of the council.
2. the tone and nature of the communications in respect of an individual member of staff.

Minutes of a meeting of Sandy Town Council held on 28 April 2014 record the following resolutions:

"RESOLVED to seek legal advice on a confidential matter concerning a member of staff and to ensure that the Council provided visible and full support to the member of staff concerned.

RESOLVED to put on record the Council's wholehearted support of and confidence in the Town Clerk and her performance in her current role.

A recorded vote was requested.

Votes in favour of the resolution: Cllr J Ali, N Aldis, C Butterfield, A Jackson, C Osborne, M Pettitt, M Scott, K Sharp, D Sharman, R Smith and S Walsh.

Votes against the resolution: None

Absentions: None"

As members of the committee will be aware, since 28 April 2014 the correspondence has continued and the relevant file will be available at the meeting. The impact of these communications continues to be detrimental to the efficient working of the Town Council. At the time of writing legal advice has not yet been obtained. Members are invited to review the position and consider next steps.

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7 Clerk's Report on Pension Arrangements

Auto-enrolment

Members will recall from previous reports that most STC employees are now enrolled in the Local Government Pension Scheme. The council's staging date for auto enrolment was July 2013 and all eligible staff were already enrolled or have since enrolled. There remains one eligible member of staff who had previously opted out of the pension scheme and is therefore able to remain "in transition" for up to 4 years from our staging date. Two members of staff fall outside the scope of the auto enrolment legislation. No further action is required by the council at this time.

New LGPS Scheme

The new LGPS scheme came into effect on 1 April 2014 and all contributions for current service members have gone/will go into the new scheme with effect from that date. A requirement of the new pension rules is that each employer must publish an individual policy statement explaining how it will respond to discretionary aspects of the new scheme rules and regulations. It is a statutory requirement that this policy statement must be published by **30 June 2014**.

The statement will be subject to review at least every 3 years in future but also within the next 12 months because of known government decisions to be implemented. A new statement can be made at any time though 60 days' notice is required before the new policy statement can come into effect.

The Bedfordshire Pension Fund has helpfully produced a template statement to assist employers unfortunately this template still requires the council to make a number of decisions virtually all of which will have significant financial implications for the council. A blank template and notes on completion are attached. The table below shows all the employers' discretions which need to be considered.

No of discretions	Type
35	Active/Leavers from 1/4/14
17	Leavers from 1/4/08 to 31/03/14
17	Leavers from 1/4/98 to 31/3/2014
2	Leavers before 1/4/98
7	2000 Compensation Regulations
3	2006 Compensation Regulations
13	2011 Injury Allowance Regulations
13	1996 Discretionary Payment Regulations
107	Total of Discretionary decisions to be made

The Town Clerk has attended a workshop on devising a suitable policy statement but the preparation of the statement (if done diligently) is a large piece of work requiring relevant knowledge and/or research so as to avoid

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leaving the council open to challenge or unexpected expenditure. The Bedfordshire LGPS has retained the services of a pensions consultant who will assist employers to prepare policy statements at a cost of £450 plus VAT per day. He requires two days' consultancy fees to prepare a statement for a council based on the decisions the council has chosen to make (which he will assist them to make). This fee will be out of the reach of many local councils.

The Bedfordshire branch of SLCC is negotiating to see if a group discount can be agreed for several participating councils working together. At the time of writing it is not clear whether any successful outcome will be achieved from these negotiations.

At least one neighbouring council has produced a draft policy statement internally. As all employers in the LGPS scheme are obliged to publish employer statements new policy statements are appearing on the internet on a daily basis and it may be possible to produce a credible policy statement based on the former employers' discretionary policies of principal authorities and the new statements of academies, other local councils and other employers in the LGPS scheme but a statement of some sort must be produced by 30 June. The policy statement must match local conditions however and the LGA has issued advice that statements should not be prepared on a "follow the leader" approach. The Clerk is willing to work with members to produce a policy statement internally if this is the wish of council but is anxious that members should be fully aware of the implications of producing this statement in house and recognise that there is no pensions expertise or experience within the staff team.

The HR committee is asked to consider the situation and make an appropriate recommendation to Town Council about the way forward.

Local Government Pension Scheme 2014 (LGPS) - Employer Policy Statement

The new pension scheme rules, which apply from 1 April 2014, require each scheme employer within the LGPS to publish a statement with regards to how the employer will respond to discretionary aspects of the scheme rules and regulations.

This statement will be published on the [Anytown District Council](#) website and will also be made freely available in other ways such as intranet sites, staff groups, trade unions and HR officers.

The date of this publication is: XXXXXXXXXXXXXXX

The effective date of this policy is: XXXXXXXXXXXXXXX

This is the formal employers policy in respect of the employer that is currently known as:

[Anytown District Council](#)

This policy applies to: Prospective members, current contributory members and pensioner members of the Local Government Pension Scheme (LGPS), and their dependants.

Where quoted regulations* refer to: The Local Government Pension Scheme Regulations 2013, or The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014.

*For certain employers reference may also be contained to the following regulations:

- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000
- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)
- The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

This statement will be reviewed and may change from time to time. You should obtain the latest version of this document before making any decisions in respect of your retirement provisions as the situation may have changed.

You are advised to read this statement in conjunction with the information provided in respect of the benefits provided by the LGPS – the occupational pension scheme provided by [Anytown District Council](#)

This policy does not convey any form of contractual rights for LGPS/staff members. The policy will be reviewed and may be subject to change, only the version of the policy that is 'current' at the time at which an event occurs will be the one applied for the purposes of LGPS benefits or membership.

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In publishing this policy the scheme employer is required to pay due regard to the requirement that the formulated policy and its application and the extent to which the exercise of the discretions could lead to a serious loss of confidence in the public service;

Anytown District Council will not use this policy for any ulterior motive, it will ensure that such discretions will be exercised reasonably and where a cost is incurred it will only be used when there is a future benefit to the employer for incurring the extra costs that may arise or be associated with the discretion. It will ensure that where exercised any discretions that incur additional costs, will be applied and recorded as appropriate.

Local Government Pension Scheme 2014 (LGPS) - Employer Policy Statement

Employer discretions required under:

The Local Government Pension Scheme Regulations 2013 [prefix R]

The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 [prefix TP]

Regulation R16 (2)(e) & R16 (4)(d)

Whether, how much, and in what circumstances to contribute to a shared cost APC scheme.

The Scheme employer may resolve to fund in whole or in part any arrangement entered into by an active scheme member to pay additional pension contributions by way of regular contributions in accordance with Regulation 16(2)(e), or by way of a lump sum in accordance with Regulation 16(4)(d).

The Scheme employer may enter into an APC contract with a Scheme member who is contributing to the MAIN section of the Scheme in order to purchase additional pension of not more than the additional pension limit (£6,500 from 1st April 2014 subject to annual increase in line with the Pensions (Increase) Act 1971).

The amount of additional contribution to be paid is determined by reference to actuarial guidance issued by the Secretary of State.

Consideration needs to be given to the circumstances under which the Scheme employer may wish to use their discretion to fund in whole or in part an employee's Additional Pension Contributions.

Anytown District Council's policy is:

R30(6)* & TP11(2)

Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement)

An active member who has attained the age of 55 or over and who with the agreement of their employer reduces their working hours or grade of employment may, with the further consent of their employer, elect to receive immediate payment of all or part of the retirement pension to which they would be entitled in respect of that employment as if that member were no longer 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 – separate policy required under Regulation 30(8)).

As part of the policy making decision the Scheme employer must consider whether, in addition to the benefits the member may have accrued prior to 1 April 2008 (which the member must draw), to permit the member to choose to draw all, part or none of the pension benefits they built up after 31 March 2008 and before 1 April 2014 and all, part or none of the pension benefits they built up after 1 April 2014.

Due consideration must be given to the financial implications of allowing an employee to draw all or

part of their pension benefits earlier than their normal retirement age.

Anytown District Council's policy is:

R30(8)*

Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement. Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age.

Where a Scheme employer's policy under regulation 30(6) (flexible retirement) is to consent to the immediate release of benefits in respect of an active member who is aged 55 or over, those benefits must be adjusted by an amount shown as appropriate in actuarial guidance issued by the Secretary of State (commonly referred to as actuarial reduction or early payment reduction).

A Scheme employer (or former employer as the case may be) may agree to waive in whole or in part and at their own cost, any actuarial reduction that may be required by the Scheme Regulations.

Due consideration must be given to the financial implications of agreeing to waive in whole or in part any actuarial reduction.

Anytown District Council's policy is:

TP Sch 2 para 2(2)

Whether to "switch on" the 85-year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.

Where a scheme member retires or leaves employment and elects to draw their benefits at or after the age of 55 and before the age of 60 those benefits will be actuarially

reduced unless their Scheme employer agrees to meet the full or part cost of those reductions as a result of the member otherwise being protected under the 85 year rule as set out in previous Regulations.

So as to avoid the member suffering the full reduction to their benefits the Scheme employer can 'switch on' the 85 year rule protections thereby allowing the member to receive fully or partly unreduced benefits but subject to the Scheme employer paying a strain (capital) cost to the Pension Fund

Anytown District Council's policy is:

TP Sch 2 para 2(3)

Whether to waive on compassionate grounds the actuarial reduction applied to benefits from pre 1/4/14 membership where the employer has switched on the 85-year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.

So as to avoid the member suffering the full reduction to their benefits the Scheme employer can 'switch on' the 85 year rule protections thereby allowing the member to receive fully or partly unreduced benefits but subject to the Scheme employer paying a strain (capital) cost to the Pension Fund

Anytown District Council's policy is:

R31

Whether to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (by up to £6,500 p.a.)

A Scheme employer may resolve to award

- (a) an active member, or
- (b) a member who was an active member but dismissed by reason of redundancy, or business efficiency, or whose employment was terminated by mutual consent on grounds of business efficiency,

additional annual pension of, in total (including any additional pension purchased by the Scheme employer under Regulation 16), not more than the additional pension limit (£6,500 from 1st April 2014 subject to annual increase in line with the Pensions (Increase) Act 1971).

Any additional pension awarded is payable from the same date as any pension payable under other provisions of the Scheme Regulations from the account to which the additional pension is attached.

In the case of a member falling within sub-paragraph (b) above, the resolution to award additional pension must be made within 6 months of the date that the member's employment ended.

Anytown District Council's policy is:

**Employer discretions required under:
The Local Government Pension Scheme Regulations 2007
(as amended) [prefix B]**

B12

Whether, for a member leaving on the grounds of redundancy or business efficiency on or before 31st March 2014, to augment membership (by up to 10 years). The resolution to do so would have to be made within 6 months of the date of leaving. Hence this discretion is spent entirely after 30th September 2014.

Anytown District Council's policy is:

B30(2)*

Whether to grant application for early payment of deferred benefits on or after age 55 and before age 60

Anytown District Council's policy is:

B30(5)*

Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30

Anytown District Council's policy is:

B30A(3)*

Whether to grant an application for early payment of a suspended tier 3 ill health pension on or after age 55 and before age 60

Anytown District Council's policy is:

B30A(5)*

Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A

Anytown District Council's policy is:

**Employer discretions required under:
The Local Government Pension Scheme Regulations 1997
(as amended) [prefix L]**

L31(2)

Grant application from a post 31.3.98. / pre 1.4.08. leaver or from a councillor for early payment of benefits on or after age 50/55 and before age 60

Anytown District Council's policy is:

L31(5)

Waive, on compassionate grounds, the actuarial reduction applied to benefits paid early for a post 31.3.98. / pre 1.4.08. leaver or a councillor leaver

Anytown District Council's policy is:

L31(7A)

Councillor optants out and pre 1.4.08. employee optants out only to get benefits paid from NRD if employer agrees

Anytown District Council's policy is:

Further Employer Discretions May Be Required For certain Employers (NOT ADMITTED BODIES)
Under the Following regulations:

The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000]

Regulation 21(4)

How any surviving spouse's or civil partner's annual compensatory added years is to be apportioned where the deceased person is survived by more than one spouse or civil partner.

Anytown District Council's policy is:

Regulation 25(2)

How it will decide to whom any children's annual compensatory added years payments are to be paid where children's pensions are not payable under the LGPS (because the employee had not joined the LGPS) and in such case how the annual added years will be apportioned amongst the eligible children

Anytown District Council's policy is:

Regulation 21(7)

Whether in respect of the spouse of a person who ceased employment before 1 April 1998 and where the spouses or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998, the normal pension suspension rules should be disappplied i.e. whether the spouse's or civil partners annual compensatory added years payments should continue to be paid.

Anytown District Council's policy is:

Regulation 21(5)

{If the decision in 21(7) is to apply suspension of benefits.}

...whether the spouses or civil partners pension should be reinstated after the end of the remarriage, new civil partnership or co habitation.

Anytown District Council's policy is:

Regulation 21(7)

Whether, in respect of the spouses or civil partner of a person who ceased employment before 1 April 1998 and where the spouses or civil partner remarries or cohabits or enters into a civil partnership on or after 1 April 1998 with another person who is also entitled to a spouses or civil partners annual CAY payment, the normal rules requiring one of them to forgoe payment whilst the period of marriage, civil partnership or co habitation lasts, should be disappplied i.e. whether the spouses or civil partners annual CAY payments should continue to be paid to both of them.

Anytown District Council's policy is:

Regulation 17

Whether to 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.

Anytown District Council's policy is:

Regulation 19

How to reduce the member's annual compensatory added years payment following the cessation of a period of re-employment.

Anytown District Council's policy is:

The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)

Note: For the purposes of the above, 'local government' means employment with an employer who offers membership of the LGPS to its employees, regardless of whether or not the employee chooses to join the LGPS (except where the employer is an Admitted Body). Technically, an employee of an Admitted Body (i.e. a body that has applied to the administering authority to allow its employees to join the LGPS and has entered into a formal admission agreement) is only employed in 'local government' if he / she is a member of the LGPS.

Regulation 5

To base redundancy payments on an actual weeks pay where this exceeds the statutory weeks pay limit.

Anytown District Council's policy is: That

Regulation 6

To award lump sum compensation of up to 104 weeks pay in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment.

Anytown District Council's policy is:

The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

Formulating and publishing a policy under the Injury Allowances Regulations 2011 Each LGPS employer (other than an Admitted Body) is required to formulate, publish and keep under review the policy that it will apply in the exercise of its discretionary powers to make any award under the Injury Allowances Regulations.

Regulation 3(1)

Whether to grant an injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.

Anytown District Council's policy is:

Regulation 3(4) and 8

Amount of injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.

Anytown District Council's policy is:

Regulation 3(2)

Determine whether person continues to be entitled to an injury allowance awarded under regulation 3(1).

Anytown District Council's policy is:

Regulation 4(1)

Whether to grant an injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties of the job.

Anytown District Council's policy is:

Regulation 4(3) and 8

Amount of injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties of the job.

Anytown District Council's policy is:

Regulation 4(2)

Determine whether person continues to be entitled to an injury allowance awarded under regulation 4(1).

Anytown District Council's policy is:

Regulation 4(5)

Whether to suspend or discontinue injury allowance awarded under regulation 4(1) if person secures paid employment for not less than 30 hours per week for a period of not less than 12 months.

Anytown District Council's policy is:

Regulation 6(1)

Whether to grant an injury allowance following cessation of employment with entitlement to immediate LGPS pension where a reg 3 payment was being made at date of cessation of employment but reg 4 does not apply.

Anytown District Council's policy is:

Regulation 6(1)

Determine amount of any injury allowance to be paid under regulation 6(1)

Anytown District Council's policy is:

Regulation 6(2)

Determine whether and when to cease payment of an injury allowance payable under regulation 6(1)

Anytown District Council's policy is:

Regulation 7(1)

Whether to grant an injury allowance to the spouse, civil partner, nominated co-habiting partner or dependent of an

employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.

Anytown District Council's policy is:

Regulation 7(2) and 8

Determine amount of any injury allowance to be paid under regulation 7(1)

Anytown District Council's policy is:

Regulation 7(3)

Determine whether and when to cease payment of an injury allowance payable under regulation 7(1)

**Further Employer Discretions
Recommended – in accordance
with the Local Government
Pension Scheme Regulations
2013**

R9(1) & (3) – Contributions

Where an active member changes employment or there is a material change which affects the member's pensionable pay during the course of a financial year, the Scheme employer may determine that a contribution rate from a different band (as set out in Regulation 9(2)) should be applied.

Where the Scheme employer makes such a determination it shall inform the member of the revised contribution rate and the date from which it is to be applied.

Anytown District Council's policy is:

R17(1) – Additional Voluntary Contributions

An active member may enter into arrangements to pay additional voluntary contributions (AVCs) or to contribute to a shared cost additional voluntary contribution arrangement (SCAVCs) in respect of an employment. The arrangement must be a scheme established between the appropriate administering authority and a body approved for the purposes of the Finance Act 2004, registered in accordance with that Act and administered in accordance with the Pensions Act 2004.

The Scheme employer needs to determine whether or not it will make contributions to such an arrangement on behalf of its active members.

Anytown District Council's policy is:

R21(5) – Assumed Pensionable Pay

A Scheme employer needs to determine whether or not to include in the calculation of assumed pensionable pay, any 'regular lump sum payment' received by a Scheme member in the 12 months preceding the date that gave rise to the need for an assumed pensionable pay figure to be calculated.

Anytown District Council's policy is:

R22 - Merging of Deferred Member Pension Accounts with Active Member Pension Accounts

A deferred member's pension account is automatically aggregated with their active member's pension account unless the member elects within the first 12 months of the new active member's pension account being opened to retain their deferred member's pension account.

A Scheme employer can, at their discretion, extend the 12 month election period.

Anytown District Council's policy is:

R74 Adjudication

Each Scheme employer must appoint a person ("the adjudicator") to consider applications from any person whose rights or liabilities under the Scheme are affected by:

- (a) decision under regulation 72 (first instance decisions); or
- (b) any other act or omission by a Scheme employer or administering authority,

and to make a decision on such applications.

Responsibility for determinations under this **first stage of the Internal Disputes Resolution Procedure (IDRP)** rests with “the adjudicator” as named below by the Scheme employer:

Anytown District Council's 'Adjudicator's' details are:

Name: _____

Job Title: _____

Full Address: _____

Post Code: _____

Tel No: _____

Fax No: _____

Email Address: _____

Regulation R100(6) –Transfers of Pension Rights into the LGPS

A request from an active member to transfer previously attained pension rights into the LGPS must be made in writing to the administering authority and the Scheme employer before the expiry of the period of 12 months beginning with the date on which the employee first became an active member in an employment (or such longer period as the Scheme employer and administering authority may allow).

Anytown District Council's policy is:

Councillor Members – Local Authority Employers Only

Discretions to be exercised on and after 1 April 2014 in relation to active councillor members, councillor members who ceased active membership on or after 1 April 1998 and any other scheme members who ceased active membership between 1 April 1998 and 31 March 2008

Regulation 106 of the Local Government Pension Scheme Regulations 1997 Scheme employers are required to have a policy in relation to two specific discretions.

- Whether to grant applications for the early payment of pension benefits on or after age 50 and before age 60 [regulation 31(2) of the LGPS Regulations 1997], and

Anytown District Council's policy is:

- Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to benefits which are paid before age 65 [regulation 31(5) of the LGPS Regulations 1997]

Anytown District Council's policy is:

Scheme employers should, prior to 1 April 2014, already have prepared a policy on the above matters. Scheme employers should ensure that their current policy is up to date.

The 'What did we do last time' approach:

While it is often good practice to review and retain information that has been previously published, employers are advised that circumstances may have changed and that they should review any rationale behind previous policies in place. Employers should review the decision making process that led to the current policy to ensure that the aim is still current and that the overall policy matches the requirements of the organisation.

The regulations are now very clear in that they set out the perceived public expectation of the adopted policy statement:

Statements of policy about exercise of discretionary functions

60. (5) In preparing, or reviewing and making revisions to its statement, a body required to prepare a statement under paragraph (1) must have regard to the extent to which the exercise of the functions mentioned in paragraph (1) in accordance with its policy could lead to a serious loss of confidence in the public service.

When 'No' simply isn't good enough.

It is anticipated that of the global overall 107 potential policy discretions 105 will incur a cost. The response could therefore be 'we'll say no to all discretions that will incur a cost.'

But this approach could lead to further issues - By stating that 'this employer will not partake in this discretion' would effectively fetter the policy.

Care should be taken to avoid any of the discretions becoming fettered, in that the employer is then bound under its own policy with out any leeway to manoeuvre should this be required. The general consensus is that it is better for an employer policy to state in some way that all will be treated on the merits presented and that some form of scale would apply based upon the merits of each case.

It is therefore further argued that if the policy continues to set out the criteria upon which the discretion will be applied this would then avoid the requirements of the no loss of confidence as required by Regulation 60.

A further approach could be where an employer sets out a given standard approach for example where redundancy payments will be based on actual weeks pay. This is seen as transparent and can be argued to be none fettered as it does not imply contractual rights and retains the right to be amended or altered at any point in the future.

When 'a' must follow 'b'

Remember that some discretions lead to others so as you look towards one discretion even ,if again, the answer is that you will not enact it. You may still need an answer to a following discretion if logically it follows on.

An example would be the discretion to suspend a pension for a member taking up further employment. If you suspend the pension under one discretion you'll need to remember that you'll also need a policy under the

following discretion to presumably reinstate the pension if the re employment ends. Watch out for these linked policy discretions, as they may not necessarily be that obvious. Again for clarity, you may wish to cross-reference your own policy back to the relevant previous discretion.

Can we just say yes to everything?

In short you can but you would need to be mindful of the overall effect of regulation 60 and again the loss of confidence issue.

You can agree to any or all discretions, but you would need to qualify to what extent and how the decision would be made. You may wish to refer to corporate policy that may exist and where the decisions on that policy are taken, remember that you will be required to review your overall discretion policy at least every three years and it may be sooner so any policy that you refer to may also need to be reviewed in light of it being held as a standard approach with your discretionary policy

When things get complicated

Remember that people live complicated lives, and you will not know the full circumstances of any or all of your employees. Try and avoid any restrictions in any policy that requires finite number in terms of dependants of beneficiaries.

You may be confident that no one will have more than one wife or ten children – but experience has informed the LGPS practitioners that it is much better to look at the benefit side instead and to set a policy that states benefits will be shared equally amongst the relevant parties/beneficiaries or child(ren). This avoids any confusion and avoids any confidence issues if you start quoting, what may appear to some, as strange numbers such as 3 wives or 15 children.

Sandy Town Council

8 HR and H&S Specialist Advice

The council's HR and H&S outsourced service contract with Ellis Whittam reaches the end of its 3 year period on 27.8.2014 and council must now consider its options for HR and H&S support. Members will have their own views about the service which has been provided by Ellis Whittam and a renewal quotation has been provided by them.

The clerk has also sourced a range of quotations for alternative provision which will be circulated to members.

The companies consulted provide different levels of service and quotations should be assessed by careful comparison of the provision offered. Whilst there are merits in keeping the HR and H&S business together (compatibility of policies etc) there are also arguments against doing this for example separate providers may offer more specialist services.

Members will also wish to consider the council's previous experience with Ellis Whittam as well as the council's commitment to use local businesses wherever they can provide best value.

Having reviewed the quotations (and having recently attended a training course provided by THSP which was well delivered) the Clerk recommends that the Committee should place both its HR and H&S support with THSP, Sandy.

Members are asked to make a recommendation to Council.