



Notice of a public meeting of

Staffing Matters and Urgency Committee

- To:** Councillors Aspden (Chair), D'Agorne (Vice-Chair),
Hook and D Myers
- Date:** Monday, 15 February 2021
- Time:** 5.30 pm
- Venue:** Remote Meeting

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Exclusion of Press and Public

To consider the exclusion of the press and public from the meeting during consideration of the following:

Agenda Item 7 should Members need to refer during their discussion to matters relating to individuals and the financial affairs of particular persons. This information is classed as exempt under paragraphs 1, 2 and 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006)

Annexes A to Agenda Item 10 on the grounds that they contain information relating to individuals and the financial affairs of particular persons. This information is classed as exempt under paragraphs 1, 2 and 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

3. Minutes (Pages 1 - 2)

To approve and sign the minutes of the meeting of the Staffing Matters & Urgency Committee held on 11 January 2021.

4. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee. Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is Thursday 11 February 2021.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting please contact the Democracy Officer for the meeting whose details can be found at the foot of the agenda.

Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

5. Changes to Membership of Committees, Joint Committees administered by other Councils, Regional Local Authority Bodies and Other Bodies (Pages 3 - 6)

This report sets out the proposed changes to Committee, Sub-Committees and Outside Bodies appointments.

6. Pension Discretions (Pages 7 - 40)

This report informs the Committee of a consolidation and re-drafting of the Council's Discretionary Policy Statement.

7. Corporate Leadership Group Restructure Update (Pages 41 - 50)

This reports purpose is to provide assurance to the committee that progress is being made to implement the changes to the senior management structure of the Council, as agreed by this committee in December 2020.

8. Work Plan (Pages 51 - 52)

To consider the Committee's draft work plan for the municipal year 2020-21.

9. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

10. Redundancy, Retirement and Settlement Agreements (Pages 53 - 58)

This report advises the Committee of the expenditure associated with pension or exit discretions in accordance with council policy.

Democracy Officer

Robert Flintoft

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For more information about any of the following please contact the Democratic Services Officer responsible for servicing this

meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim
własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

City of York Council

Committee Minutes

Meeting	Staffing Matters and Urgency Committee
Date	11 January 2021
Present	Councillors Aspden (Chair), D'Agorne (Vice-Chair), Hook and D Myers
Apologies	

47. Declarations of Interest

At this point in the meeting, Members were asked to declare if they had any personal interests not included on the Register of Interests or any prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda. None were declared.

48. Minutes

Resolved: That the minutes of the Staffing Matters and Urgency Committee held on 14 December 2020 be approved and then signed by the Chair as a correct record.

49. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

50. Workforce Profile as at 30 September 2020

Officers introduced the report and outlined the workforce profile at City of York Council, as of the end of quarter two of 2020/2021. It was noted that all of the data could be found on Open Data. The Council's number of employees and FTE remained stable and sickness absence up to the end of September 2020 had declined from quarter one of 2020/2021, however, it was noted that sickness absence had risen in December 2020, as well as, employees needing to self-isolate due to COVID-19.

Members enquired about the use of Work With York and whether the Council were reviewing those individuals who had been engaged through Work With York for more than 12 month contracts and whether these

employees should be on permanent contracts. It was confirmed that this was reviews on a regular basis and that agency staff should be used for short 3 to 6 month assignments, where assignments are to be longer term the council should be using fixed term contracts.

The reasons for staff leaving sub categories were discussed and whether more information could be included in reports. It was agreed that officers would aim to include greater detail where possible and that the Council continued to conduct exit interviews to highlight and identify additional reasons for employees leaving their role in the Council.

Resolved:

- i. Noted the workforce profile provided.
- ii. Agreed that there were no areas to refer to Customer and Corporate Services Scrutiny Committee.

Reason: In order to provide an overview of the workforce profile.

51. Work Plan

Members considered the committee's work plan to the end of the 2021 calendar year.

Resolved: That the work plan be approved.

Reason: To ensure that the committee has a planned programme of work in place.

Cllr K Aspden, Chair

[The meeting started at 5.30 pm and finished at 5.40 pm].



Staffing Matters and Urgency Committee**15 February 2020**

Report of the Director of Governance and Monitoring Officer

Changes to Membership of Committees, Joint Committees administered by other Councils, Regional Local Authority Bodies and Other Bodies**Summary**

1. At the Annual Council meeting on 22 May 2019, appointments were made to Committees, Sub-Committees and Outside Bodies for the 2019/20 municipal year. Due to the cancellation of the 2020 Annual Council meeting, those appointments were carried over to the 2020/21 municipal year, subject to a number of changes, as approved by the Staffing & Urgency Committee at their meeting on 15 June 2020. Further changes are now required to the membership, as set out below.

Background

2. Further to the appointments to Committees etc. made at the Annual Meeting, Staffing Matters & Urgency Committee has authority to deal any in-year changes or appointments to any Committees and Outside Bodies, and the following changes are put forward for consideration:

Quality Bus Partnership

Councillor Melly to become the Labour appointment to the Partnership,
Councillor K Taylor to become the Labour substitute to the Partnership.

Consultation

3. Normal processes to consult the relevant political Group have been applied to ensure the Group nominates the Members of their choice. No other consultation is specifically required in this instance.

Options

4. There are no alternative options available as this is simply for the Groups concerned to nominate appropriate candidates to either replace

the Member concerned or to fill a position that has become available. This Committee will then consider and determine those nominations.

Council Plan

5. Maintaining an appropriate decision making and scrutiny structure and appointees that contribute to the Council delivering its core priorities set out in the current Council Plan, effectively.

Implications

6. There are no known implications in relation to the following in terms of dealing with the specific matter before Members:
 - Financial
 - Human Resources (HR)
 - Equalities
 - Crime and Disorder
 - Property
 - Other

Legal Implications

7. The Council is statutorily obliged to make appointments to Committees, Advisory Committees, Sub Committees and certain other prescribed bodies in accordance with the political balance rules. These rules may only be waived where no Member votes against the proposal.

Risk Management

8. In compliance with the Council's risk management strategy, there are no known risks associated with the recommendation in this report.

Recommendations

9. Staffing Matters and Urgency Committee is asked to consider and approve the changes to committee and outside body appointments as set out in paragraph 2.

Reason: In order to make appropriate Council appointments to Committees and Outside Bodies for the remainder of the current municipal year.

Contact Details

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Chief Officer Responsible for the report:

Janie Berry
Director of Governance and Monitoring
Officer

Report **Date** 4 December 2020

Specialist Implications Officers

Not applicable

Wards Affected:

All

For further information please contact the author of the report

Background Papers: None

Annexes: None

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Staffing Matters and Urgency Committee

15 February 2021

Report of the Chief Operating Officer

Local Government Pension Scheme 2021 Discretions Policy Summary

1. This report informs the Committee of a consolidation and re-drafting of the Council's Discretionary Policy Statement in order to comply with The Local Government Pension Scheme Regulations 2013 (the "**LGPS Regulations**") and the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (the "**Discretionary Compensation Regulations**").
2. Further amendments may be necessary in light of £95,000 exit payments cap introduced by The Restriction of Public Sector Exit Payments Regulations 2020 once the draft Local Government Pension Scheme (Restriction of Exit Payments) (Early Termination of Employment) (Discretionary Compensation and Exit Payments Payments) (England and Wales) Regulations 2021 (the "**Draft Regulations**") are finalised and in force (although this may not be for several months). Further amendments to the Discretionary Policy Statement will be brought back to SMU for approval in due course.

Background

3. The LGPS Regulations require the Council to prepare a written statement of its policy in relation to the exercise of its discretions under regulations 16(2)(e) and 16(4)(d) (funding of additional pension), 30(6) (flexible retirement), 30(8) (waiving of actuarial reduction) and 31 (award of additional pension) of the LGPS Regulations as well as paragraph 1(1)(c) of Schedule 2 to The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (Rule of 85).
4. The Council also exercises many other employer discretions under the LGPS Regulations although these do not have to be included in the Discretionary Policy Statement.

5. The Council must also keep its Discretionary Statement under review and make such revisions as are appropriate following a change in its policy in accordance with the Discretionary Compensation Regulations.
6. When formulating and reviewing its Discretionary Policy Statement under the Discretionary Compensation Regulations, the Council must:
 - a have regard to the extent to which the exercise of its discretions in accordance with its policy, unless properly limited, could lead to a serious loss of confidence in the public service; and
 - b be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.
7. The Council have commissioned Eversheds Sutherland to review its LGPS employer materials, including its Discretionary Policy Statement. Eversheds Sutherland have recommended that a fresh Discretionary Policy Statement should be produced to ensure compliance with both the LGPS Regulations and the Discretionary Payments Regulations (as well as the Draft Regulations in due course). This will replace the Discretionary Policy Statement from 2002 (as amended).
8. Whilst the LGPS Regulations only require the Statement to cover the specific discretions mentioned at paragraph 3 above, Eversheds Sutherland have recommended a comprehensive Discretionary Policy Statement to cover both mandatory and optional discretions to ensure that all of the Council's discretions are documented in a single place, including those discretions under historic LGPS regulations relating to former employees, as well as the discretions under the Discretionary Payments Regulations. This will ensure that the Council's discretions are all documented in one place making them easier to access and update in the future.
9. Eversheds Sutherland have also recommended that the policies should be documented in a way to avoid fettering the Council's discretions by adopting blanking policies. Therefore, rather than saying the Council will not exercise a particular discretion in any circumstance Eversheds Sutherland have suggested more flexible wording.

Analysis

10. The new Policy Statement is attached at Appendix 1. As this now is a comprehensive policy is not easy to compare to any previous versions, however the document has been colour coded to show the status of each of the discretions as follows:
 - red – material change
 - amber – minor change
 - green – same
 - no colour means the policy is new/not covered by the last (2014) Policy
11. The main changes which could have a material impact on scheme members and the Council are summarised in the following paragraphs:

Contributions to Shared Cost Additional Pension Contributions (SCAPCs)

The Council can apply its discretion to award a scheme member with additional pension by entering into a SCAPC contract.

This discretion is separate to when a scheme member is buying an APC to buy back lost pension following a period of unpaid leave. In such cases, the Council is must contribute 2/3 of the cost to a shared cost APC.

Current Policy - The Council will not pay employer funded Additional Pension contributions at all, and will not enter Shared Cost Additional Pension contribution Arrangements in any other circumstances other than those to enable employees to buy back lost pension as required by the legislation.

New Policy - The Council will contribute to Shared Cost APC schemes only when an employee has opted to buy back 'lost' pension due to a period of authorised unpaid leave (including sickness and child related leave) within 30 days of returning to work from that leave. In these circumstances, the employee will pay one third of the cost of the Shared Cost APC and the employer will pay two thirds of the cost. Other than the circumstances above, the Council not enter into any Shared Cost APC scheme.

The reason for the change is to clarify when the Council will contribute to a SCAPC, but does not change actual current policy.

Extending the time period for aggregation of LGPS benefits

When a scheme member leaves the LGPS and rejoins at a later date their deferred benefits will normally be automatically aggregated with their new pension record. Scheme members can choose to keep their deferred benefits separate within the first 12 months of rejoining the scheme. The Council can exercise its discretionary powers to extend the 12 month window for aggregation of LGPS benefits.

Current Policy - CYC will permit aggregation beyond 12 months.

New Policy - The Council will only extend the 12 month option period for the member's election beyond 12 months in exceptional circumstances and/or if there is evidence of administrative shortcomings.

The reason for the change is to provide flexibility to allow limitation of extension time frames and bring in line with other policy relating to transfers.

Extending the time period for transfers into the scheme (non-LGPS)

Scheme members only have 12 months from joining the LGPS to opt to transfer in previous pension rights from a non-LGPS source. The Council has the discretion to extend the 12 month window.

Current Policy - CYC will allow members to opt to transfer pension rights beyond the 12 month period only if there is evidence of administrative shortcomings.

New Policy - The Council will only allow members to opt to transfer pension rights beyond the 12 month period in exceptional circumstances and/or if there is evidence of administrative shortcomings.

The reason for the change is to clarify the wording of the discretion on when we will allow transfers in beyond the 12 month window.

Employee Contribution Rate

The Council is required to assess the relevant contribution band for employees on 1st April annually and to determine any other circumstances where this will be reassessed.

Current policy - CYC will allocate the appropriate band for all members' pensionable pay (to include casuals) based on each monthly pensionable salary pay figure. The percentage could potentially change on a monthly basis. The relevant banding rate at the end of the year will correspond with the annual pensionable pay figure. CYC have agreed to review the pensionable pay earnings quarterly for members to ensure the correct banding rate is allocated.

New Policy - On 1st April each year, the Council will allocate the appropriate band for all members' pensionable pay based on the previous years' pensionable pay and include incremental progression and cost of living increases where known as at 1 April . This will not change during the financial year unless there is a post change or cessation of salary protection arising from that change, or a pay award which cannot be applied on 1 April. This would include a pay award which is being applied retrospectively to 1 April or a pay award which applies from a date other than 1 April. For new posts commencing during the year, their band will depend on starting salary. Only permanent changes to pensionable pay will result in re banding.

If members have variable or nil hours contracts, the relevant band will be based on an assessment of the total pensionable pay received in the previous year. For new variable or nil hours posts, banding will be based on the whole time equivalent salary, and reviewed 6 months after appointment to ensure the correct band has been allocated (based on total pensionable pay in their first 6 months).

The reason for the change is to streamline the review of contribution banding and to reduce administrative burden.

Injury Allowances

Under Regulation 14 of the Injury Allowances Regulations, 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 in respect of leavers, deaths and reductions in pay that occurred post 15 January 2012.

Any award of an injury allowance would come at a cost to the Council.

Current Policy - CYC will not grant any awards

New Policy – The Council will consider on a case by case basis.

The reason for the change is to provide flexibility to avoid fettering.

12. The Council is satisfied that the exercise of its discretions in accordance with the proposed Discretionary Policy Statement:
 - a. would not lead to a serious loss of confidence in the public service; and
 - b. in the case of the exercise of the discretions under the Discretionary Compensation Regulations, would be workable, affordable and reasonable having regard to the foreseeable costs.
13. There are no financial implications resulting from this report. Any financial implications would arise as a result of agreeing to exercise certain discretions within the Policy and would be subject to existing approval processes relevant to the particular situation.

Consultation

14. Consultation has taken place with key members of staff across the organisation, Trade Unions and North Yorkshire Pension fund.

Council Plan

15. This report contributes to the overall effectiveness of the Council's governance and assurance arrangements contributing to an 'open and effective council'

Implications

16.
 - (a) **Financial** – These are detailed in the body of the report.

- (b) **Human Resources (HR)** – It is important that the Council has the ability to use local discretions to effectively and efficiently manage within the organisation. Any discretions the Council uses will operate under a framework to ensure a consistent application to reduce the chance of claims of unfairness.
- (c) **Equalities** – The Equality Act 2010 impacts on the Discretionary Policy Statement, with regard to Age Discrimination in that the ‘Rule of 85’ only affects those who are older, so the Council needs to guard against the risk of treating this group of employees differently from others. The proposal not to switch on the ‘Rule of 85’ or waive any actuarial reduction ensures all employees who are members of the LGPS are treated in the same way. The way in which any decision making process is carried out regarding any early retirements (including redundancy, efficiency, or voluntary early retirements) will also be transparent and not differentiate between age groups.
- (d) **Legal** – The LGPS Regulations and the Discretionary Compensation Regulations both makes it clear that the Council must formulate, publish and keep under review a Discretionary Policy Statement and any failure to do so would be a breach of those Regulations.
- (e) **Crime and Disorder** - There are no implications
- (f) **Information Technology (IT)** - There are no implications
- (g) **Property** - There are no implications

Risk Management

17. Any failure to formulate, publish and keep under review a Discretionary Policy Statement in accordance with the LGPS Regulations and the Discretionary Compensation Regulations would be a breach of those Regulations and potentially an act of maladministration. This could also result in the Council exercising its discretions in an inconsistent manner and possible legal challenge.

Recommendation

- 18. The Staffing Matters and Urgency Committee is asked to approve the revised Discretionary Policy Statement.

Reason: To invite Members to consider changes to the Council's Discretionary Policy Statement to comply with the LGPS Regulations and Discretionary Compensation Regulations and approve the new Statement

Contact Details

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Chief Officer Responsible for the report:

Author's name

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Report Approved

Date

4/2/2021

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Specialist Implications Officers: Accounting Technician, Chief Finance Officer/Section 151, Director of Governance/Monitoring Officer

Wards Affected:

All

Background Papers:

None

Annex

The report is supported by the appendices listed below:

Appendix 1 – The proposed Employer Discretionary Policy Statement

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DISCRETIONARY POLICY STATEMENT

The following is a statement of City of York Council's policy on the exercise of its LGPS and discretionary compensation related discretions.

The Chief Finance Officer is responsible for this Policy.

It covers all discretions for which a policy is either mandatory or recommended or less common.

The Council retains the right to change these policies at any time.

The policies confer no contractual rights.

This discretion policy will apply from the date of approval and replaces all previous employer discretion policies from that date. The policy in force at the time a relevant event occurs to a LGPS member will be the one applied to that member.

Decisions relating to the exercise of these discretions will be made as follows:

For Chief Officers – Staffing Matters and Urgency Committee (SMU) will make decisions.

For all other employees – The Chief Finance Officer (Section 151 Officer) will make decisions. Such decisions will be summarised and provide to SMU for noting. The Chief Finance Officer may, if they feel it necessary, refer to the Chief Operating Officer for decisions.

Section A - Discretions from 1 April 2014 in relation to post 31 March 214 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)

Applicable Regulations:

R = Local Government Pension Scheme (LGPS) Regulations 2013 (SI 2013/2356)

TP = LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014

A = LGPS (Administration) Regulations 2008 (SI 2008/239)

B = LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) (SI 2007/1166)

L = LGPS Regulations 1997 (as amended) (SI 1997/1612)

Area	Regulation	Discretion Type	Discretion	Council's Policy	Comparison to 2014 Policy
Shared Cost Additional Pension Contributions (APC) (to buy additional pension)	R16(2)(e) and 16(4)(d)	Mandatory	Whether, how much and in what circumstances to contribute to a shared cost Additional Pension Contributions (APC) scheme A member can buy additional pension through an APC contract. The discretion is whether the employer will share the cost of the APC	The Council will contribute to Shared Cost APC schemes only when an employee has opted to buy back 'lost' pension due to a period of authorised unpaid leave (including sickness and child related leave) within 30 days of returning to work from that leave. In these circumstances, the employee will pay one third of the cost of the Shared Cost APC and the employer will pay two thirds of the cost. Other than the circumstances above, the Council not enter into any Shared Cost APC scheme.	Same
Flexible Retirement	R30(6)	Mandatory	Whether all or some benefits can be paid if an active member aged 55 or over and with at least 2 years qualifying service reduces their hours or grade (flexible retirement)	The Council will consider applications in accordance with its policy on early/flexible retirement.	
Flexible Retirement (cont.)	R30(8)	Mandatory	Whether to waive, in whole or in part, actuarial reduction to benefits paid on flexible retirement	The Council will not ordinarily waive, in whole or part, any actuarial reduction on flexible retirement unless there are exceptional reasons for doing so. The Council will	Wording revised to clarify when the Council will waive actuarial reductions and to avoid fettering discretion. But no material change to existing policy.

				consider each case on its own merits taking into account factors such as the personal circumstances of the member, the financial cost and operational benefits.	
Granting Additional Pension	R31	Mandatory	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 £7,194 p.a - figure at 1 April 2020. This is inflation proofed annually)	The Council will not grant additional pension to a member.	Same
Rule of 85	TP Sch. 2, para 1(1)(c) and (1)(2)	Mandatory	Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 (other than on the grounds of flexible retirement)	The Council will not ordinarily switch on the Rule of 85 unless there are exceptional reasons for doing so. The Council will consider each case on its own merits taking into account factors such as the personal circumstances of the member, the financial cost and operational benefits.	Wording revised to clarify when the Council will switch on the rule of 85 and to avoid fettering discretion. But no material change to existing policy.
Waive Reduction	R30(8)	Mandatory	Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age other than on the grounds of flexible retirement (where the member only has post 31/3/14 membership)	The Council will not ordinarily waive, in whole or part, any actuarial reduction on voluntary early retirement unless there are exceptional reasons for doing so. The Council will consider each case on its own merits taking into account factors such as the personal circumstances of the member, the financial cost and operational benefits.	Wording revised to clarify when the Council will waive actuarial reductions and to avoid fettering discretion. But no material change to existing policy.
Waive Reduction (cont.)	TP 3(1), TP Sch. 2, para 2(1)(c)	Mandatory	Whether to waive any actuarial reduction for a member voluntarily drawing benefits before normal	The Council will not ordinarily waive, in whole or part, any actuarial reduction on voluntary early retirement unless there are	Wording revised to clarify when the Council will waive actuarial reductions and to avoid fettering

		<p>pension age other than on the grounds of flexible retirement (where the member has both pre 1/4/14 and post 31/3/14 membership):</p> <p>a) on compassionate grounds (pre 1/4/14 membership) and in whole or in part on any grounds (post 31/3/14 membership) if the member was not in the Scheme before 1/10/06,</p> <p>b) on compassionate grounds (pre 1/4/14 membership) and in whole or in part on any grounds (post 31/3/14 membership) if the member was in the Scheme before 1/10/06, will not be 60 by 31/3/16 and will not attain 60 between 1/4/16 and 31/3/20 inclusive</p> <p>c) on compassionate grounds (pre 1/4/16 membership) and in whole or in part on any grounds (post 31/3/16 membership) if the member was in the Scheme before 1/10/06 and will be 60 by 31/3/16</p> <p>d) on compassionate grounds (pre 1/4/20 membership) and in whole or in part on any grounds (post 31/3/20 membership) if the member was in the Scheme before 1/10/06, will not be 60 by 31/3/16 and will attain 60</p>	<p>exceptional reasons for doing so. The Council will consider each case on its own merits taking into account factors such as the personal circumstances of the member, the financial cost and operational benefits.</p>	<p>discretion. But no material change to existing policy.</p>
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			between 1/4/16 and 31/3/20 inclusive		
Shared cost Additional Pension Contributions (to buy lost pension following a period of authorised unpaid absence)	R16(16)	Recommended	If a member has an authorised unpaid absence (not including illness or injury, relevant child-related leave or reserve forces service leave) and within 30 days of returning to work they elect to buy back the lost pension, the employer must share the cost (2/3rds) The discretion is whether to extend the 30 day deadline for a member to elect for a shared cost APC	The Council will extend the deadline for a member to elect for a shared cost APC to 60 days or longer where there is evidence of administrative shortcomings.	
Transferring in non LGPS pension rights	R100(6)	Recommended	Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS	The Council will only allow members to opt to transfer pension rights beyond the 12 month period in exceptional circumstances and/or if there is evidence of administrative shortcomings.	Current policy states: CYC will allow members to opt to transfer pension rights beyond the 12 month period only if there is evidence of administrative shortcomings. See Appendix 3 for guidance The Administering Authority will provide guidance on individual queries but must be contacted within the 12 month period above.
Transferring in LGPS pension rights (only for post 1.4.14 re-joiners)	R22(8)(b)	Recommended	Whether to extend the 12 month option period for a member to elect that deferred benefits should not be aggregated with a new employment	The Council will only extend the 12 month option period beyond 12 months in exceptional circumstances and/or if there is evidence of administrative shortcomings.	
Transferring in LGPS pension rights (only	R22(7)(b)	Recommended	Whether to extend the 12 month option period for a member to elect that deferred benefits should not	The Council will only extend the 12 month option period beyond 12 months in exceptional circumstances	Changed from "CYC will permit aggregation beyond 12 months."

for post 1.4.14 re-joiners)			be aggregated with an ongoing concurrent employment	and/or if there is evidence of administrative shortcomings.	
Transferring in LGPS pension rights (only for pre 1.4.14 re-joiners)	A16(4)(b)(ii)	Recommended	Whether to extend the 12 month option period for aggregation of deferred benefits	The Council only permit aggregation beyond 12 months in exceptional circumstances and/or if there is evidence of administrative shortcomings.	
Transferring in LGPS pension rights (i.e. final salary benefits which will buy CARE pension only for post 1.4.14 re-joiners)	TP10(6)	Recommended	Whether to extend the 12 month option period for a member (who did not become a member of the 2014 Scheme by virtue of TP5 (1)) to elect that pre 1 April 2014 deferred benefit should be aggregated with a new employment	The Council only permit aggregation beyond 12 months in exceptional circumstances and/or if there is evidence of administrative shortcomings.	
Employee Contribution Rate	R9(1) and 9(3)	Recommended	Employers to assess the relevant contribution band to determine the rate of employee contribution. Banded contribution rates for employees are based on actual pensionable pay received and not whole time equivalent salary. Employers to allocate appropriate band at each 1 April and determine other circumstances in which the banding will be reviewed.	On 1st April each year, the Council will allocate the appropriate band for all members' pensionable pay based on the previous years' pensionable pay and include incremental progression and cost of living increases where known as at 1 April . This will not change during the financial year unless there is a post change or cessation of salary protection arising from that change, or a pay award which cannot be applied on 1 April. This would include a pay award which is being applied retrospectively to 1 April or a pay award which applies from a date other than 1 April. For new posts	Current policy: CYC will allocate the appropriate band for all members' pensionable pay (to include casuals) based on each monthly pensionable salary pay figure. The percentage could potentially change on a monthly basis. The relevant banding rate at the end of the year will correspond with the annual pensionable pay figure. CYC have agreed to review the pensionable pay earnings quarterly for members to

				<p>commencing during the year, their band will depend on starting salary. Only permanent changes to pensionable pay will result in re banding.</p> <p>If members have variable or nil hours contracts, the relevant band will be based on an assessment of the total pensionable pay received in the previous year. For new variable or nil hours posts, banding will be based on the whole time equivalent salary, and reviewed 6 months after appointment to ensure the correct band has been allocated (based on total pensionable pay in their first 6 months).</p>	ensure the correct banding rate is allocated.
Assumed Pensionable Pay (APP)	R21(5)	Recommended	In determining APP, whether a lump sum payment made in the previous 12 months is a "regular lump sum"	The Council would include lump sum payments in the calculation of APP where there is evidence that the lump sums were regularly received.	
Assumed Pensionable Pay (APP)	R21(5A) and 21(5B)	Recommended	Where in the employer's opinion, the pensionable pay received in relation to an employment (adjusted to reflect any lump sum payments if appropriate) in the 3 months (or 12 weeks if not paid monthly) before the start of APP, is materially lower than the level of pensionable pay the member would have normally received The discretion is whether to substitute a higher level of pensionable pay by taking into account the pensionable pay received	The Council will allow the substitution of a higher level of pensionable pay assessed over the previous 12 month period.	

			by the member in the previous 12 months		
Late Conversion of AVCs to service	TP15(2A)(b) & L66(8) & former L66(9)(b)	Recommended	Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership (where AVC arrangement was entered into before 13/11/01)	The Council will extend the 30 day deadline if there is evidence of administrative shortcomings.	
Shared Cost AVCs	R17(1) & definition of SCAVC in RSch 1	Recommended	Whether, how much, and in what circumstances to contribute to shared cost AVC arrangements	The Council will not enter into SCAVCs.	
Refund of contributions - member left due to an offence/grave misconduct	R19(2)	Recommended	No right to return of contributions where a member left their employment due to offence of a fraudulent character or grave misconduct in connection with that employment unless employer directs a total or partial refund is to be made	The Council will consider whether or not to make a refund based on the merits of each case and in light of advice from Legal and Internal Audit.	Same policy but advice comes from Internal Audit.
Pensionable payments	R20(1)(b)	Recommended	Specify in an employee's contract what other payments or benefits, other than those specified in R20(1)(a) and not otherwise precluded by R20(2), are to be pensionable	The Council reserves the right to specify what, if any, other payments or benefits are to be pensionable in accordance with the Regulations. The Council will automatically include "detriment" or "protected" pay as pensionable pay.	Same as 2014 which included detriment or protected pay
Tier 3 Ill Health Review	R37(3) and (4)	Recommended	Determine whether person in receipt of Tier 3 ill health pension has started gainful employment	The Council will make a determination whether to suspend or cease the pension, if it is made aware that such a person has started	

				gainful employment (more than 30 hours for more than 12 months).	
T3 Ill health Review Overpayments	R37(3)	Recommended	Whether to recover any overpaid Tier 3 pension following commencement of gainful employment	The Council will recover any overpaid Tier 3 pension following commencement of gainful employment.	
Deferred Member - Ill Health	R38(3)	Recommended	Decide whether deferred beneficiary meets criteria of being permanently incapable of former job because of ill health and is unlikely to be capable of undertaking gainful employment before normal pension age or for at least three years, whichever is the sooner	<p>The Council will be guided by the recommendation of an Independent Registered Medical Practitioner (IRMP).</p> <p>The Council will consider each case on its own merits taking into account factors such as the personal circumstances of the member and the financial cost.</p> <p>Applications from former employees with deferred benefits will be managed by HR which is responsible for referring the former employee to the Independent Registered Medical Practitioner (IRMP) and notifying the former employee of the outcome of the application.</p>	<p>Current policy says:</p> <p>CYC will be guided by the recommendation of an Independent Registered Medical Practitioner (IRMP)</p> <p>Applications from former employees with deferred benefits will be managed by former Service; the Service is responsible for referring the former employee to the Independent Registered Medical Practitioner (IRMP) via the Occupational Health Service and notifying the former employee of the outcome of the application. Payment of pension benefits will commence from the date of the employee's letter requesting that the preserved benefits be brought into payment.</p>
T3 Ill Health Recommendation	R38(6)	Less Common	Decide whether a suspended ill health tier 3 member is unlikely to be capable of undertaking gainful employment before normal pension age because of ill health	The Council will be guided by the recommendation of an Independent Registered Medical Practitioner (IRMP). See above	Same
Forfeiture Certificate	R91(1) and (8)	Less Common	Whether to apply to Secretary of State for a forfeiture certificate where	The Council will consider whether or not to apply for and enact a certificate based on the merits of	Same but based on advice from Internal Audit

			member is convicted of a relevant offence (a relevant offence is an offence committed in connection with an employment in which the person convicted is a member, and because of which the member left the employment)	each case and in light of advice from Legal.	
Forfeiture Certificate	R91(4)	Less Common	Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited (other than rights to GMP – but see R95 below)	The Council will consider whether or not to recover and reduce benefits accordingly based on the merits of each case and in light of advice from Legal.	Same but based on advice from Internal Audit
Forfeiture Certificate	R92(1) and (2)	Less Common	Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits	The Council will not direct that interim payments are made from the Fund pending a decision.	
Recovery of Monetary Obligation	R93(2)	Less Common	Whether to recover from Fund any monetary obligation or, if less, the value of the member's benefits (other than benefits from transferred in pension rights or APCs or AVCs or, subject to R95 below, in respect of any GMP) where the obligation was incurred as a result of a grave misconduct or a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left employment	The Council will consider whether or not to recover and reduce benefits accordingly based on the merits of each case and in light of advice from Legal and Internal Audit.	Same but based on advice from Internal Audit

GMP Forfeiture	R95	Less Common	Whether, if the member has committed treason or been imprisoned for at least 10 years for one or more offences under the Official Secrets Acts, forfeiture under R91 or recovery of a monetary obligation under R93 should deprive the member or the member's surviving spouse or civil partner of any GMP entitlement	The Council will consider each case on its merits.	Same
Bulk Transfer	R98(1)(b)	Less Common	Agree to bulk transfer payment Whether to agree to bulk transfer payment where two or more members' active membership ends on their joining a registered non local government pension scheme	The Council will consider whether or not to agree on the merits of each case after consideration with the Administering Authority and after having taken appropriate actuarial advice.	Same
Final Pay Period (Fees)	TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) & B11(2)	Less Common	Whether to allow a member to select final pay period for fees to be any 3 consecutive years ending 31st March in the 10 years prior to leaving	The Council will allow members to so choose.	Same

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

Applicable Regulations:

A = LGPS (Administration) Regulations 2008

B = LGPS (Benefits, Memberships and Contributions) Regulations 2007

T = LGPS (Transitional Provisions) Regulations 2008 (SI 2008/238)

Area	Regulation	Discretion Type	Discretion	Council's Policy	Comparison to 2014 Policy
Waive Reduction	B30(5)	Mandatory	Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30 (member)	Applications from deferred members will only be considered on compassionate grounds. The Council will consider each case on its own merits taking into account factors such as the personal circumstances of the member and the financial cost.	Current policy states: "Applications from deferred Pensioners will only be considered on compassionate grounds, taking into account the costs of waiving any reduction. All applications will be considered by the Head of Paid Service and Section 151 Officer."
Waive Reduction	B30A(5)	Mandatory	Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A (pensioner member with deferred benefits, i.e. a suspended tier 3 ill health pensioner)	Applications from deferred members will only be considered on compassionate grounds. The Council will consider each case on its own merits taking into account factors such as the personal circumstances of the member and the financial cost.	
Late Conversion of AVCs to service	T Schedule 1 & L66(8) & former L66(9)(b)	Less Common	Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership (where AVC arrangement was entered into before 13/11/01)	The Council will extend the 30 day deadline if there is evidence of administrative shortcomings.	Same
Refund of contributions	A47(2)	Less Common	No right to return of contributions where a	The Council will consider whether or not to make a refund based on the	

- member left due to an offence/grave misconduct			member left their employment due to offence of a fraudulent character or grave misconduct in connection with that employment unless employer directs a total or partial refund is to be made	merits of each case and in light of advice from Legal.	
Forfeiture Certificate	A72(1) and (6)	Less Common	Whether to apply to Secretary of State for a forfeiture certificate where member is convicted of a relevant offence (a relevant offence is an offence committed in connection with an employment in which the person convicted is a member, and because of which the member left the employment)	The Council will consider whether or not to apply for and enact a certificate based on the merits of each case and in light of advice from Legal.	
Forfeiture Certificate	A72(3)	Less Common	Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited	The Council will consider whether or not to recover and reduce benefits accordingly based on the merits of each case and in light of advice from Legal.	
Forfeiture Certificate	A732(1) and (2)	Less Common	Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits	The Council will not direct that interim payments are made from the Fund pending a decision.	
Recovery of Monetary Obligation	A74(2)	Less Common	Whether to recover from Fund any monetary obligation or, if less, the value of the member's benefits (other than transferred in pension rights or AVCs/SCAVCs) where the	The Council will consider whether or not to recover and reduce benefits accordingly based on the merits of each case and in light of advice from Legal and Internal Audit.	

			obligation was incurred as a result of a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left employment		
Recovery of Monetary Obligation	A76(2) and (3)	Less Common	Whether to recover from Fund any financial loss caused by fraudulent offence or grave misconduct of employee (who has left employment because of that fraudulent offence or grave misconduct), or amount of refund if less	The Council will consider whether or not to recover and reduce benefits accordingly based on the merits of each case and in light of advice from Legal and Internal Audit.	
Deferred Member - Ill Health	B31(4)	Less Common	Decide whether deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria	<p>The Council will be guided by the recommendation of an Independent Registered Medical Practitioner (IRMP).</p> <p>The Council will consider each case on its own merits taking into account factors such as the personal circumstances of the member and the financial cost.</p> <p>Applications from former employees with deferred benefits will be managed by HR which is responsible for referring the former employee to the Independent Registered Medical Practitioner (IRMP) and notifying the former employee of the outcome of the application.</p>	
T3 Ill Health Recommendation	B31(7)	Less Common	Decide whether a suspended ill health tier 3 member is permanently incapable of	The Council will be guided by the recommendation of an Independent	

			undertaking any gainful employment	Registered Medical Practitioner (IRMP). See above	
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Section C - Discretions in relation to:

- a) councillor members who ceased active membership on or after 1 April 1998, and
- b) any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008

Applicable Regulations:

L = LGPS Regulations 1997 (as amended) (SI 1997/1612)

R = LGPS Regulations 2013(SI 2013/2356)

TP = LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 (SI 2014/525)

Area	Regulation	Discretion Type	Discretion	Council's Policy
Employer Consent Retirement	L31(2)	Mandatory	Grant application for early payment of deferred benefits on or after age 50 and before age 55	The Council will not grant early payment of deferred benefits before the age of 55
Waive Reduction	L31(5) and TPSch 2, para 2(1)	Mandatory	Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early	Applications from deferred members will only be considered on compassionate grounds. The Council will consider each case on its own merits taking into account factors such as the personal circumstances of the member and the financial cost.
Employer consent at Normal Retirement Date for optant out	L31(7A)	Mandatory	Where a member who opted out of the scheme continues to be employed by a Scheme employer, the member is only entitled to receive their benefits at NRD if their employer consents to them doing so (in respect of a member who opted out of the scheme after 31 March 1998 and before 1 April 2008)	The Council will agree to optants out being able to get benefits paid from their NRD.
Rule of 85	TP Sch. 2, para 1(2) and (1)(1)(f) and R60	Mandatory	Whether to "switch on" the Rule of 85 for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60	The Council will not ordinarily switch on the Rule of 85 for a deferred member unless there are exceptional reasons for doing so. The Council will consider each case on its own merits taking into account factors such as the personal circumstances of the member and the financial cost.

No double entitlement	L34(1)(b)	Less Common	Decide, in the absence of an election from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership (i.e where a member is entitled to a the 'normal' payment of a preserved benefit and an ill health benefit from preserved status, they are not entitled to both payments. In the absence of an election from the member, the employer can decide which benefit can be paid)	The Council will choose to automatically apply the regulations of greatest benefit to the employee.
Refund of contributions - member left due to an offence/grave misconduct	L88(2)	Less Common	No right to return of contributions where a member left their employment due to offence of a fraudulent character or grave misconduct in connection with that employment unless employer directs a total or partial refund is to be made	The Council will consider whether or not to make a refund based on the merits of each case and in light of advice from Legal and Internal Audit.
Forfeiture Certificate	L111(2) and (5)	Less Common	Whether to apply to Secretary of State for a forfeiture certificate where member is convicted of a relevant offence (a relevant offence is an offence committed in connection with an employment in which the person convicted is a member, and because of which the member left the employment)	The Council will consider whether or not to apply for and enact a certificate based on the merits of each case and in light of advice from Legal.
Forfeiture Certificate	L112(1)	Less Common	Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits	The Council will not direct that interim payments are made from the Fund pending a decision.
Recovery of Monetary Obligation	L113(2)	Less Common	Whether to recover from Fund any monetary obligation or, if less, the value of the member's benefits (other than transferred in pension rights)	The Council will consider whether or not to recover and reduce benefits accordingly based on the merits of each case and in light of advice from Legal.

Recovery of Monetary Obligation	L115(2) and (3)	Less Common	Recovery from Fund of financial loss caused by employee, or amount of refund if less	The Council will consider whether or not to recover and reduce benefits accordingly based on the merits of each case and in light of advice from Legal.
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Section D - Discretions in relation to scheme members who ceased active membership before 1 April 1998

Applicable Regulations:

LGPS Regulations 1995 (as amended) (SI 1995/1019)

TL = LGPS (Transitional Provisions) Regulations 1997 (SI 1997/1613)

Area	Regulation	Discretion Type	Discretion	Council's Policy
Employer Consent Retirement	TP3(5A)(vi) TL4 & L106(1) & D11(2)(c)	Mandatory	Grant application for early payment of deferred benefits on or after age 50 on compassionate grounds	The Council will not grant applications for early payment of deferred benefits between the ages of 50 and 55. Over the age of 55, NYCC will consider on a case by case basis.
No double entitlement	D10	Less Common	Decide, in the absence of an election from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership (i.e where a member is entitled to a the 'normal' payment of a preserved benefit and an ill health benefit from preserved status, they are not entitled to both payments. In the absence of an election from the member, the employer can decide which benefit can be paid)	The Council will choose to automatically apply the regulations of greatest benefit to the employee.

Section E - Discretions in relation to redundancy and compensatory payments on the early termination of employment

Applicable Regulations:

Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended) (SI 2006/2914)

Area	Regulation	Discretion Type	Discretion	Council's Policy
Redundancy Pay on actual week's pay	5	Mandatory	To base redundancy payments on an actual weeks pay where this exceeds the statutory week's pay limit	When calculating redundancy payments the Council will use the employee's actual weekly pay.
Lump sum compensation	6	Mandatory	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	<p>The Council's general policy is that it will not award any lump sum compensation.</p> <p>However, the Council reserves the right to use this discretion in exception circumstances.</p> <p>This power may be used in connection with regulation 8 of The Restriction of Public Sector Exit Payments Regulations 2020 (where applicable).</p>

Section F - Discretions in relation to any compensatory added years awarded before 1 April 2007

Applicable Regulations:

Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended) (SI 2000/1410)

Area	Regulation	Discretion Type	Discretion	Council's Policy
Abatement during re-employment	17	Mandatory	Whether and to what extent to reduce or suspend the member's annual compensatory added years (CAY) payment during any period of re-employment in local government	The Council will make a determination after consultation with the Administering Authority and having regard to the date of original award.
Reduction following cessation of re-employment	19	Mandatory	How to reduce the member's annual CAY payment following the cessation of a period of re-employment in local government	The Council will make a determination after consultation with the Administering Authority and having regard to the date of original award.
Apportionment of survivor benefit	21(4)	Mandatory	How to apportion any surviving spouse's or civil partner's annual CAY payment where the deceased person is survived by more than one spouse or civil partner	The Council will consider on a case by case basis.
Effects of remarriage, new civil partnership or co-habitation on survivor's compensation payments	21(7)	Mandatory	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 disapplied i.e. whether the spouse's or civil partner's annual CAY payments should continue to be paid	The Council will consider on a case by case basis.
Effects of remarriage, new civil partnership or co-habitation on survivor's	21(5)	Mandatory	If, under the preceding decision, the authority's policy is to apply the normal suspension rules, whether the spouse's or civil partner's annual CAY payment should be reinstated after the end of the remarriage, new civil partnership or cohabitation	If the Council determined to suspend such payment, it will reinstate after the end of the remarriage, new civil partnership or cohabitation.

compensation payments				
Effects of remarriage, new civil partnership or co-habitation on survivor's compensation payments	21(7)	Mandatory	Whether, in respect of the spouse or civil partner of a person who ceased employment before 1 April 1998 and where the spouse 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 spouse's or civil partners annual CAY payment, the normal rule requiring one of them to forego payment whilst the period of marriage, civil partnership or co-habitation lasts, should be disapplied i.e. whether the spouses' or civil partners' annual CAY payments should continue to be paid to both of them	The Council will consider on a case by case basis.

Section G - Injury allowances as they apply to leavers, deaths and reductions in pay that occurred after 15 January 2012

Applicable Regulations:

Discretions under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011(SI 2011/2954)

Area	Regulation	Discretion Type	Discretion	Council's Policy	Comparison to 2014 policy
Injury Allowances	3(1)	Mandatory	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	The Council will consider on a case by case basis.	Current policy states (re 1996 IA Regulations) : CYC will not grant any awards
	3(4) and 8	Mandatory	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	Any injury allowance granted will not exceed the amount of the reduction in remuneration offset against any other benefits, payments or awards received in relation to the injury or disease.	
	3(2)	Mandatory	Determine whether person continues to be entitled to an injury allowance awarded under regulation 3(1) (reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job).	Any injury allowance granted will cease when the employee leaves employment with the Council. The injury allowance will be reviewed should the employee's circumstances change e.g. relation to the employee's working or earning capacity or other payments received.	
	21(7)	Mandatory	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	The Council will consider on a case by case basis.	

			be disapplied i.e. whether the spouse's or civil partner's annual CAY payments should continue to be paid		
	21(5)	Mandatory	If, under the preceding decision, the authority's policy is to apply the normal suspension rules, whether the spouse's or civil partner's annual CAY payment should be reinstated after the end of the remarriage, new civil partnership or cohabitation	If the Council determined to suspend such payment, it will reinstate after the end of the remarriage, new civil partnership or cohabitation.	
	21(7)	Mandatory	Whether, in respect of the spouse or civil partner of a person who ceased employment before 1 April 1998 and where the spouse 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 spouse's or civil partners annual CAY payment, the normal rule requiring one of them to forego payment whilst the period of marriage, civil partnership or cohabitation lasts, should be disapplied i.e. whether the spouses' or civil partners' annual CAY payments should continue to be paid to both of them	The Council will consider on a case by case basis.	

Signed

Position: Chief Finance Office

Date



Staffing Matters & Urgency Committee**15 February 2021**

Report of the Chief Operating Officer

Update on progress to implement the new Corporate Leadership Group (CLG)**Summary**

1. The purpose of this report is to provide assurance to the committee that progress is being made to implement the changes to the senior management structure of the Council, as agreed by this committee in December 2020.

Background

2. Staffing Matters and Urgency, in December, after considering a number of options proposed by the Chief Operating Officer agreed that option 3 be progressed.
3. Following SMU decision all staff affected were notified and the formal consultation period commenced, in line with the draft timetable presented in December to committee.
4. For reference both the structure chart and timetable are included in Annex 1.

Activity to Date

5. During the consultation period, 15 December to 22 January, staff have had the opportunity for group consultation sessions and individual consultation with the Chief Operating Officer and the Head of HR.
6. All staff have actively participated in the consultation process.
7. Current job descriptions have been confirmed and new job descriptions have been amended following consultation throughout the consultation period.

8. The new job descriptions have been job evaluated through the Chief Officer Job evaluation process using Hay. The job evaluation panel was observed by both GMB and Unison representatives.
9. In line with the timetable the assimilation panel assessed current and new roles on 4 February and staff were informed of the outcome the same day.
10. Some staff have assimilated to posts, whilst for others there is no clear assimilation and therefore they have been given the opportunity to express interest in the vacant posts in the new structure.

Next Steps

11. Staff have the right of appeal against the assimilation panel outcome and have till 18 February to submit. Any appeals will be considered by 25 February.
12. The next stage is to recruit to the vacant positions in the structure where there has been no assimilation.
13. As agreed in December, Chief Officer Appointment Sub-Committees have been set up for week commencing 1 March to appoint to the vacant posts where staff have expressed interest and progress to interview. Small stakeholder panels will also feed into that process.
14. Where an internal candidate has been successful they will be confirmed in post, with the implementation date being 1 April 2021.
15. If an internal candidate is not successful then they will be at risk of redundancy. The council will follow its normal processes and procedures.
16. If there are still vacancies after this process then the jobs will be released for external advertisement.
17. The committee are asked, if they can delegate the external recruitment to the panels that are already established. This will speed up the process to recruit to the vacant positions. An update can be brought back to SMU in March.

Consultation

18. Consultation started back in September and members of CLG have been regularly updated and have had the opportunity to speak with the Head of HR or Chief Operating Officer throughout.
19. Formal consultation has occurred in line with HR policies and procedures and is detailed above in the report.
20. Trade Unions have been involved throughout this process, receiving copies of reports and briefings from the Chief Operating Officer.
21. The Trade Unions observed the job evaluation panel and had the opportunity to comment within it. The Trade Unions also observed the assimilation panel and confirmed the process has been followed correctly.

Council Plan

22. Restructuring will contribute to delivering the Council Plan and its priorities, enabling the Council to remain proactive and fit for purpose for the future.

Implications

Financial

23. There are no specific financial implications associated with this report as it is an updated. The financial implication of the CLG restructure can be found in Decembers report.

Human Resources (HR)

24. There are a number of HR implications and any restructure will be carried out in accordance with the Council's HR change management procedures.
25. As the changes affect chief officers, members are responsible for the appointments of Chief Officers. However the council has a duty to mitigate redundancy and therefore we will consider suitable alternative employment within the structure proposed and across the council.
26. It is recommended therefore where staff assimilate at stage 1 and stage 2 where there is no competition staff will be confirmed in post.

Equalities

27. At this stage of the process there are no known equalities implications, however, the Council needs to have due regard to the public sector equality duty, which will be kept under review via the completion of an equality impact assessment

Legal

28. All Chief Officer posts are politically restricted pursuant to the Local Government and Housing Act 1989.
29. The Council must ensure that its employment policies and procedures are followed so as to avoid any future legal challenge. The council is required to demonstrate they have mitigated compulsory redundancy in any restructure and CYC do this through their assimilation process. In addition, as these are Chief Officer roles then a Members appointment panel considers suitability. In accordance with the Constitution, a member appointment panel will include at least one Member of the Executive.

Crime and Disorder, Information Technology and Property

30. There are no identified implications.

Risk Management

31. This is a key area of the Council and integrated into the members, along with active public involvement. There will be public interest and we have to ensure the confidentiality of staff involved in the restructure is maintained even to the pressure of outside parties.

Recommendations

32. It is recommended that Staffing Matters and Urgency Committee:
- Note the progress made to date.
 - Agree to the Chief Officer Sub Committees progress with external recruitment after the internal processes have concluded.

Reason: To ensure the council has an appropriate Chief Officer structure to deliver the councils priorities.

Author:

Trudy Forster
Head of HR

Chief Officer Responsible for the report:

Ian Floyd
Chief Operating Officer

**Report
Approved**

Date 04/02/2021

Specialist Implications Officer(s):

Debbie Mitchell, Chief Finance Officer
Janie Berry, Director of Governance

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Annexes

Annex 1 – Structure and Timeline

Abbreviations

CFO – Chief Finance Officer
CLG – Corporate Leadership Group
CMT – Corporate Management Team
COO - Chief Operating Officer
CYC- City of York Council
FTE - Full time equivalent
HR - Human Resources

LGA – Local Government Association

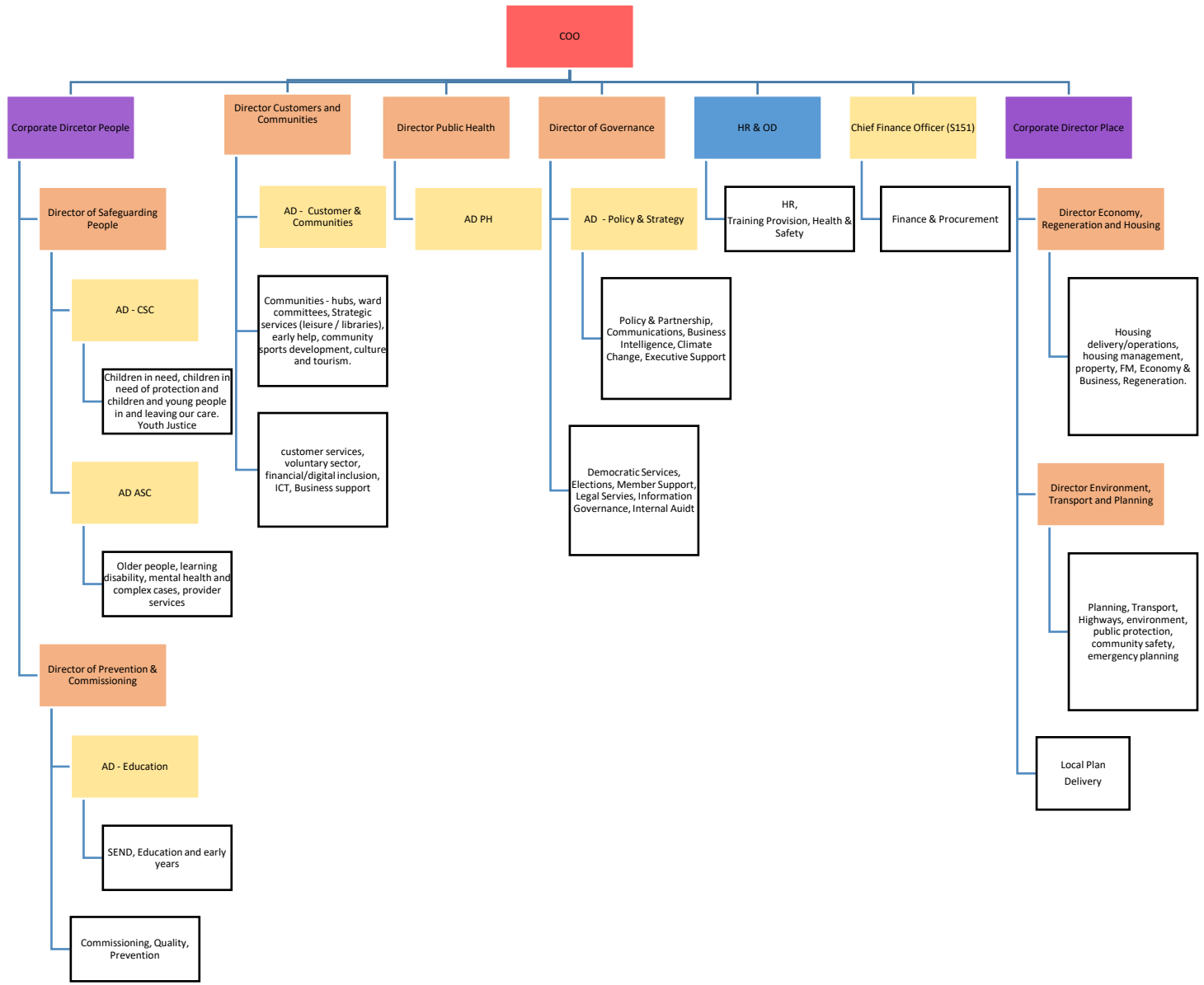
OD – Organisational Development

SMU – Staffing Matters and Urgency Committee

Annex A CLG Restructure Update Feb 2021

Activity	Dates
Consultation	
Share proposals with CMT, CLG, Heads of Service, Trade Unions and Executive.	w/c 9 November
Share Proposals with wide elected members – Group Leaders, request feedback by 27 November	w/c 9 November
Arrange feedback sessions for CLG with COO <ul style="list-style-type: none"> - Group session - Individual sessions by request 	Between 16 – 27 November
Attend group meetings to discuss proposals – if requested	By 27 November
Consider all feedback and amend proposals where applicable to be considered by SMU	By 3 December 2020
SMU Paper Published including draft job descriptions	4 December 2020
SMU paper shared with all CLG, Trade Unions and all 47 elected members	4 December 2020
SMU Committee	14 December 2020
CLG Updated following discussion at SMU	15 December 2020
<u>Formal consultation Phase</u>	
First formal consultation meeting (30 day consultation period) with staff and the trade unions. Share the written proposal report, draft JD's and timeline. Share current JD's with all staff. In scope letter issued following consultation meeting.	15 December 2020 15 December 2020
Group & individual consultation sessions through workshops / team meetings / 1:1's etc. All staff will be invited to attend an individual 1:1 meeting. At 1:1 meetings, staff will be asked to confirm that their job description is the latest version.	15 December 2020 - 22 January 2021
End of consultation period & deadline for final feedback on the proposed structure and all JD's by staff and Trade Unions.	22 January 2021
New job descriptions go through Job Evaluation Process to confirm grades.	Wc 25 January 2021

Share final proposal with SMU for sign off.	Paper published 29 January for SMU on 1 February 2021
Meeting with staff and TUs to confirm the feedback considered, any amendments to the original proposal and to share the final structure and job description grades.	28 January 2021 Meet again if significant change at SMU on 1 Feb 2021
<u>IMPLEMENTATION PHASE</u>	
Assimilation panel held and outcome letters issued to staff.	4 February 2021
Staff identified at this stage as potentially 'at risk' provided with Redeployment Profile Form to complete and offered 1:1 meetings with manager. Allow 2 weeks for staff to complete. Staff placed on the redeployment register.	5 February 2021 19 February 2021
Deadline for assimilation appeals (appeals received within 10 working days of the date of notification letter).	19 February 2021
Assimilation appeals.	Appeals to be heard 25 February 2021
Outcomes of the Appeals process notified to staff	25 February 2021
If necessary, competitive interviews take place – dependant upon the assimilation panel meeting outcome & any subsequent appeals.	Interviews week of 1 March 2021
Outcome letters (following interviews if take place) and/or invite to redundancy hearing letters issued to staff & 1:1 meetings to review and confirm next steps.	W/c 8/3/2021
Skills matching exercise (if necessary) to any remaining posts in structure, if applicable (for staff identified 'at risk' and placed on redeployment register - having completed Redeployment Profile Form). Individuals notified of outcome of skills matching process.	
Redundancy hearings for staff identified as redundant due to either their post being deleted or not assimilated in to the new structure. Contractual notice is issued (dependant on timescales some individual's contractual notice may go beyond structure implementation date).	
Implementation date of the new structure.	1 April 2021
THESE DATES ARE SUBJECT TO CHANGE DEPENDING ON THE OUTCOME OF THE CONSULTATION PROCESS.	



**Staffing Matters & Urgency Committee
Draft Work Plan 2020-21**

14 December 2020	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements 2. CLG Structure
11 January 2021	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements 2. Workforce demographics at 30 September 2020 (deferred) <ul style="list-style-type: none"> • FTE • Equality Data • Absence and Well Being • Starters and Leavers • Reasons for leaving i.e. retirement, redundancy, dismissal, settlement agreement • Agency
15 February 2021	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements
15 March 2021	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements
19 April 2021	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements
17 May 2021	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements
(TBC) June 2021	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements 2. Workforce demographics at 31 March 2021

	<ul style="list-style-type: none"> • FTE • Equality Data • Absence and Well Being • Starters and Leavers • Reasons for leaving i.e. retirement, redundancy, dismissal, settlement agreement • Agency
(TBC) July 2021	1. Redundancy, Retirement and Settlement Agreements
(TBC) August 2021	1. Redundancy, Retirement and Settlement Agreements
(TBC) September 2021	1. Redundancy, Retirement and Settlement Agreements
(TBC) October 2021	1. Redundancy, Retirement and Settlement Agreements
(TBC) November 2021	1. Redundancy, Retirement and Settlement Agreements
(TBC) December 2021	1. Redundancy, Retirement and Settlement Agreements



Staffing Matters and Urgency Committee**15th February 2021**

Report of the Chief Operating Officer

Pension or Exit Discretion**Summary**

1. This report advises the Staffing Matters and Urgency Committee of the expenditure associated with pension or exit discretions in accordance with council policy.

Background

2. The background and detailed case surrounding each proposal are contained in the individual business cases attached as confidential annexes to this report.

Consultation

3. All of the proposed pension or exit discretions have been subject to consultation in accordance with the Council's statutory obligations.

Options

4. The Committee has the power within the Council's procedures to approve discretionary enhancements to redundancy and/or pension payments. The Committee does not have the power to make lower payments. By law the decisions as to whether or not to make an employee redundant rests with the Chief Operating Officer or Officers nominated by him.

Analysis

5. The analysis of each proposal can be found in the respective business case.

Council Plan

6. Whilst the actions being proposed in the report are not material to the Council Plan they are consistent with the required outcomes of the Organisation Development Plan.

Implications

- 7. The implications of each proposal can be found in the respective business case.

Risk Management

- 8. The specific risks associated with each proposal and how they can be mitigated are contained in each business case. In summary, the risks associated with the recommended option are financial, legal, operational and reputational.

Recommendations

- 9. Staffing Matters and Urgency Committee is asked to:

Consider each proposal as detailed in the annexes.

Reason: In order to provide an overview of expenditure and to consider whether the Council should exercise its discretionary powers to make enhancements.

Contact Details

Author:

Trudy Forster
Head of HR
Human Resources
Ext 3984

Chief Officer Responsible for the report:

Ian Floyd
Chief Operating Officer

**Report
Approved**

Date 01/02/2021

Specialist Implications Officer(s):

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers: None

Annexes :

Annex A – Confidential Business Case

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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