



Notice of a public meeting of

Staffing Matters and Urgency Committee

To: Councillors Aspden (Chair), D'Agorne (Vice-Chair),
Hook and Kilbane

Date: Monday, 17 January 2022

Time: 5.30 pm

Venue: Remote Meeting

In view of the changing circumstances around the covid-19 pandemic, this meeting will be held remotely. Any decisions made will form recommendations to the chief operating officer.

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:

Annexes A to Agenda Items 9 and 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 - 4)

To approve and sign the minutes of the meeting of the Staffing Matters & Urgency Committee held on 29 November 2021.

4. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. 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 our meetings. The deadline for registering is 5.00pm on 13 January 2022 Members of the public can speak on agenda items or matters within the remit of the committee.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out 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 Public Meetings

Please note that, subject to available resources, this public meeting will be webcast including any registered public speakers who have given their permission. The public meeting can be viewed 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. Workforce Profile as at Quarter 2 (30th September 2021)
(Pages 5 - 16)

This report provides the Staffing Matters and Urgency Committee (SMU) with the workforce profile, as at the end of quarter 2 of 2021/2022.

6. Local Government Pension Scheme 2021 Discretions Policy Summary (Pages 17 - 42)

This report informs the Committee of an amendment to the Council's LGPS Discretionary Policy Statement in order to comply with The Local Government Pension Scheme Regulations 2013 (the "LGPS Regulations").

7. Work Plan (Pages 43 - 44)

To consider the Committee's draft work plan for the municipal year 2021/2022.

8. Urgent Business

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

9. Pension or Exit Discretion (Pages 45 - 52)

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

10. Redundancy (Pages 53 - 58)

This report advises the Committee of the expenditure associated with the proposed dismissal of a number of employees on the grounds of redundancy.

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 (Polish)
własnym języku.

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	29 November 2021
Present	Councillors Aspden (Chair), D'Agorne (Vice-Chair), Hook and Kilbane
Apologies	Councillors

38. 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.

39. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during the consideration of annexes to Agenda Items 8 and 9 on the grounds that they contained 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).

40. Minutes

Resolved: That the minutes of the Staffing Matters and Urgency Committee held on 18 October 2021 be approved and then signed by the Chair as a correct record.

41. Public Participation

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

42. Appointment of the Managing Director of Make It York

The Committee were informed that Make it York (MIY) had appointed their new Managing Director and that it was requested that as is within this Committees remit appoint the new Managing Director as a Director of MIY. It was enquired as to whether the recruitment process had been sufficient to identify a candidate capable of fixing perceived issues with MIY in the past, notably its working relationship with groups such as small business traders and buskers. Officers noted that the decision of the Committee was not a staffing appointment role, however, the Council had fed into the recruitment process. It was noted that issues relating to the performance of MIY were a partnership issue for the Council to approach to ensure MIY performs the functions it is set out to.

The Committee voted 3 in favour and 1 in abstention to the appointment of the new Managing Director to be a Director of MIY.

Resolved:

- i. The Committee appointed Sarah Loftus as a Director of Make It York in order that she may fulfil her role as the new Managing Director.

Reason: To comply with the company's Articles of Association.

43. Work Plan

Members considered the committee's work plan for the current municipal year.

Resolved:

- i. That the work plan be agreed.

Reason: To ensure the Committee maintains a program of work for 2021-22.

44. Pension or Exit Discretion

Members considered a report which advised them of expenditure associated with pension or exit discretions. An overview of expenditure was provided in the table at paragraph 5 of the report. There were no costs to

the council in this instance. Full details were set out in exempt Annexes A and B to the report.

Resolved:

- i. That the expenditure associated with each proposal, as detailed in the report annexes, be noted.

Reason: So that the council has an overview of expenditure.

Note: the above item was considered in private session, in accordance with the decision in Minute 39.

45. Redundancy

Members considered a report which advised them of the expenditure associated with the proposed dismissal of three employees on the grounds of redundancy. The total expenditure amounted to £19,773.00, as set out in the table at paragraph 5 of the report. Full details were provided in exempt Annex A.

Resolved:

- i. That the expenditure associated with the proposed dismissal of the employees on the grounds of redundancy, as detailed in Annex A, be noted.

Reason: So that the committee has an overview of this expenditure.

Note: the above item was considered in private session, in accordance with the decision in Minute 39.

Cllr Aspden, Chair

[The meeting started at 5.32 pm and finished at 5.53 pm].

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Business Intelligence Hub

CYC Workforce Profile

Date Produced: 01/12/2021

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1. Key Performance Indicators

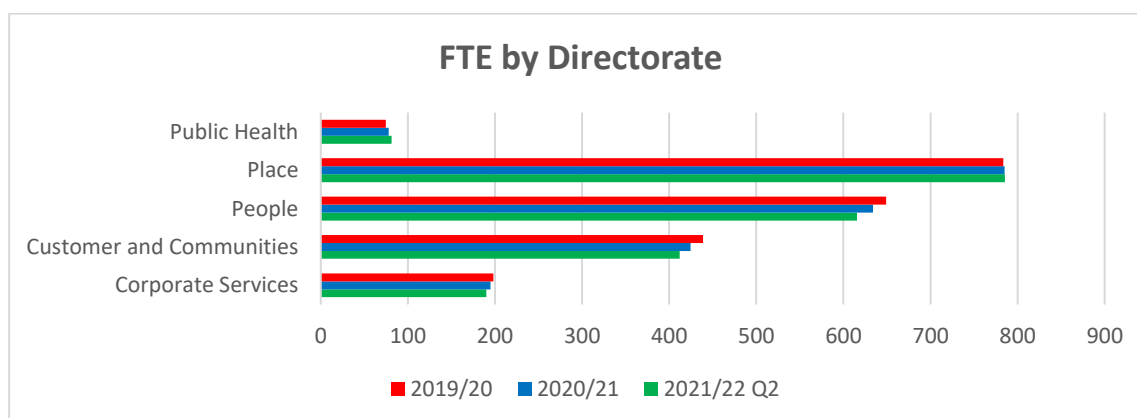
Below are tables containing details of KPI figures for 2019/20, 2020/21 and up to end of Q2 2021/22. Councillors, casual and school staff have been excluded from these figures so as to only account for core CYC staff, historic data has been mapped to match the current Directorate structure. The majority of the data within this report is available publically on the York Open Data platform - www.yorkopendata.org

1.1 Staff Headcount (snapshot)

Directorate	2019/20	2020/21	2021/22 Q2
City of York Council (exc. schools)	2590	2552	2507
Corporate Services	218	214	207
Customer and Communities	613	594	576
People	806	789	765
Place	865	862	863
Public Health	96	100	99

1.2 Staff FTE's

Directorate	2019/20	2020/21	2021/22 Q2
City of York Council (exc. schools)	2144.4	2116.9	2084.2
Corporate Services	198.3	194.8	189.9
Customer and Communities	438.9	424.7	412.0
People	649.0	634.1	615.6
Place	783.4	785.1	785.5
Public Health	74.8	78.1	81.2



1.3 Average Sickness Days per FTE (rolling 12 months)

Directorate	2019/20	2020/21	2021/22 Q2
City of York Council (exc. schools)	11.6	8.8	9.3
Corporate Services	7.8	4.9	4.7
Customer and Communities	14.8	5.6	5.6
People	12.4	12.6	12.0
Place	7.6	8.8	10.5
Public Health	7.0	6.5	6.9
Benchmark – CIPD (All Sectors)	6.6	5.9	N/A
Benchmark – CIPD (Public Sector)	8.5	8.4	N/A

1.4 Number of New Starters

Directorate	2019/20	2020/21	2021/22 to Q2
City of York Council (exc. schools)	325	200	184
Corporate Services	27	15	8
Customer and Communities	80	38	27
People	103	80	98
Place	107	53	42
Public Health	8	14	9

1.5 Number of Leavers

Directorate	2019/20	2020/21	2021/22 to Q2
City of York Council (exc. schools)	290	275	195
Corporate Services	25	22	16
Customer and Communities	69	51	45
People	115	130	82
Place	79	61	42
Public Health	1	12	10

1.6 Leaving Reasons (% of Leavers)

City of York Council (exc. schools)	2019/20	2020/21	2021/22 Q2
Died in Service	1-2%	1-2%	0%
Dismissal - end of contract	4%	6%	4.0%
Dismissal - lack of capability	1-2%	<1%	1-2%
Dismissal - misconduct	< 1%	1-2%	0%
Dismissal - probationary period	< 1%	<1%	0%
Dismissal - redundancy	2-3%	<1%	1-2%
Not known	< 1%	1-2%	<1%
Other reason	1-2%	1-2%	0%
Resignation	62%	49%	72.7%
Resignation - Career	1-2%	<1%	<1%
Resignation - Ill Health	< 1%	<1%	0%
Resignation - Job related	1-2%	0%	0%
Resignation - Personal	< 1%	0%	0%
Resignation - Workplace related	< 1%	0%	0%
Retirement	17%	18%	18.2%
Retirement - Early	1-2%	1-2%	<1%
Retirement - Ill Health	1-2%	1-2%	1-2%
Retirement - Redundancy	< 1%	<1%	0%
Transfer	< 1%	1-2%	0%
TUPE Transfer Out	< 1%	13%	0%
Settlement Agreement	1-2%	<1%	<1%
Change of payroll provider	< 1%	0%	0%

1.7 Total Turnover % (rolling 12 months)

Directorate	2019/20	2020/21	2021/22 Q2
City of York Council (exc. schools)	11.3%	10.7%	13.4%
Corporate Services	11.5%	10.2%	14.1%
Customer and Communities	11.4%	8.4%	11.5%
People	13.3%	16.4%	20.4%
Place	9.4%	7.0%	8.1%
Public Health	2.7%	12.3%	15.1%

1.8 Number of Voluntary Leavers

Voluntary Turnover occurs when an employee willingly chooses to leave their position.

Directorate	2019/20	2020/21	2021/22 to Q2
City of York Council (exc. schools)	198	143	142
Corporate Services	17	13	12
Customer and Communities	53	35	37
People	81	57	60
Place	44	34	27
Public Health	1	4	7

1.9 Voluntary Turnover % (rolling 12 months)

Directorate	2019/20	2020/21	2021/22 Q2
City of York Council (exc. schools)	7.7%	5.6%	8.6%
Corporate Services	7.8%	6.0%	9.9%
Customer and Communities	8.7%	5.8%	8.8%
People	9.4%	7.2%	11.6%
Place	5.2%	3.9%	5.3%
Public Health	2.7%	4.1%	10.1%

1.10 Work With York YTD – Total Assignments

Directorate	2019/20	2020/21	2021/22 Q2
City of York Council (exc. schools)	1082	986	712
Corporate Services	67	24	46
Customer and Communities	134	69	45
People	462	359	176
Place	412	335	233
Public Health	7	199	212

1.11 Work With York – Long Term Assignments (over 12 months)

Directorate	2020/21	2021/22 Q2
City of York Council (exc. schools)	106	87
Corporate Services	2	2
Customer and Communities	10	8
People	32	29
Place	62	48
Public Health	0	0

2. Equalities Profiling

The tables and graphs below summary the City of York Council's equalities profile. These were produced using a snapshot of data taken on 30/06/2021. Councillors, casual and school staff have been excluded. National age data is provided by ONS annual figures (2017) with York and National figures taken from the 2011 Census.

2.1 Gender

	2019/20		2020/21		2021/22 Q2	
	Male	Female	Male	Female	Male	Female
City of York Council	36.4%	63.6%	37.8%	62.3%	38.0%	62.0%
York	49.0%	51.0%	49.0%	51.0%	49.0%	51.0%
National	49.4%	50.6%	49.4%	50.6%	49.4%	50.6%

2.2 Sexual Orientation

	2019/20	2020/21	2021/22 Q2
Heterosexual	96.6%	96.2%	95.8%
Non Heterosexual	3.4%	3.8%	4.2%

2.3 Age

	2019/20		2020/21		2021/22 Q2	
	CYC	National	CYC	National	CYC	National
16-24	2.6%	10.5%	2.6%	10.5%	3.0%	10.5%
25-34	12.0%	23.4%	12.7%	23.4%	12.6%	23.4%
35-49	37.0%	33.6%	34.9%	33.6%	34.0%	33.6%
50-64	45.4%	28.5%	46.5%	28.5%	46.0%	28.5%
65+	3.0%	4.0%	3.2%	4.0%	4.5%	4.0%

2.4 Ethnicity

	2019/20		2020/21		2021/22 Q2	
	White - British	BME Community	White - British	BME Community	White - British	BME Community
City of York Council	95.0%	5.0%	93.8%	6.2%	94.5%	5.5%
York	90.2%	9.8%	90.2%	9.8%	90.2%	9.8%
National	80.5%	19.5%	80.5%	19.5%	80.5%	19.5%

2.5 Disability

	2019/20	2020/21	2021/22 Q2
Declared Disabled	4.7%	4.8%	4.7%
Not Declared Disabled	95.3%	95.2%	95.3%

2.6 Disability Type (of declared disability)

	2019/20	2020/21	2021/22 Q2
Learning disability	10.3%	10.8%	11.6%
Long-standing illness	33.6%	33.3%	33.9%
Mental illness	3.4%	3.3%	4.1%
Physical	11.2%	10.0%	9.9%
Sensory	5.2%	5.8%	5.8%
Other	36.2%	36.7%	34.7%

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Staffing Matters and Urgency Committee

17 January 2022

Report of the Chief Operating Officer

Workforce Profile as at Quarter 2 (30th September 2021)

Summary

1. This report provides the Staffing Matters and Urgency Committee (SMU) with the workforce profile, as at the end of quarter 2 of 2021/2022.

Background

2. The data provided in this report is already available throughout the Council.
3. The workforce data provided through the performance framework, is shared with Scrutiny committees and discussed at both Corporate Management Team and Directorate Management Teams.

Analysis

4. **Appendix 1** gives a full overview to the SMU committee of key performance indicators directly linked to the Council's workforce.
5. At the Q2 position headcount and FTE have decreased slightly, and leavers have reduced. Of the leavers, resignations remains the highest reason for leaving followed by retirement. Resignations are in line with regional figures as there are a number of vacancies available across the region and new opportunities, promotions and career changes are being sought following the main pandemic period.
6. Turnover has therefore, increased slightly but as mentioned above this reflects the current recruitment climate. There has also been a decrease in the number of WWY assignments, whilst this is positive in terms of costs, there are a number of vacancies that remain unfilled and acting up arrangements are in place with existing members of staff. HR are working with relevant managers to ensure creative recruitment for hard to fill vacancies.

7. Sickness absence figures fell at the end of 2020/2021, they have increased at the Q2 position for this reporting year, however, an increase in absence is common at the Q2 position which generally then plateaus and balances at the Q4 and year end position. We continue to ensure that wellbeing support and good absence management is embedded into day-to-day management and teams looking out for each other.

Consultation

8. The contents of the report and Appendix have not been consulted on as the data is factual and already available through different sources.

Options

9. The Committee, in considering the workforce profile, may consider highlighting areas for consideration by the Customer and Corporate Scrutiny Committee.

Council Plan

10. The content of the report and appendix are not material to the Council Plan.

Implications

11. There are no implications from the report.

Risk Management

12. There are no identified risk risks associated with the report.

Recommendations

13. Staffing Matters and Urgency Committee is asked to:
 - i. note the workforce profile provided.
 - ii. consider if any area is to be referred to Customer and Corporate Services Scrutiny Committee.

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

Contact Details

Author:

Helen Whiting,
Head of HR and OD
Ext 3985

Chief Officer Responsible for the report:

Ian Floyd
Chief Operating Officer

Report x **Date**
Approved **07/01/2022**

Ian Cunningham
Head of BI
Ext 5749

Specialist Implications Officer(s):

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

For further information please contact the author of the report

Background Papers:

None

Annexes

Appendix 1 – Workforce Data 2021/2022 Quarter 2

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Staffing Matters and Urgency Committee

17 January 2022

Report of the Chief Operating Officer

Local Government Pension Scheme 2021 Discretions Policy Summary

1. This report informs the Committee of an amendment to the Council's LGPS Discretionary Policy Statement in order to comply with The Local Government Pension Scheme Regulations 2013 (the "**LGPS Regulations**").

Background

2. 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).
3. The Council also exercises many other employer discretions under the LGPS Regulations although it is not compulsory to include them in the Discretionary Policy Statement.
4. The Council must also keep its Discretionary Statement under review and make such revisions as are appropriate following any change in its policy.
5. 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.

6. The Council wishes to introduce a new salary sacrifice Shared Cost AVC scheme for employees, who are members of the Local Government Pension Scheme (LGPS). This scheme provides an opportunity for employees to save for the future and gain National Insurance Contribution (NIC) savings on these additional voluntary contributions through salary sacrifice
7. This new scheme has only recently become available. It provides an additional opportunity for the Council to support LGPS members with their financial wellbeing. There is no additional cost to the Council, since any costs are absorbed by the savings in employer NIC payments.
8. An amendment to the Discretionary Policy Statement is necessary to allow the use of such a scheme.

Analysis

9. The revised Policy Statement is attached at Appendix 1.
10. The amendment is to Regulation R17(1) and definition of SCAVC in RSch 1, with the new text showing on page 6 of the discretion policy statement.
11. This change which could have a material impact on scheme members and the Council is summarised as follows.

Contributions to Shared Cost Additional Pension Contributions (SCAPCs)

12. The LGPS regulations allow for scheme employer's to also contribute towards the cost of AVCs through Shared Cost AVCs (SCAVC).
13. The Council has historically elected to not permit Shared Cost AVCs given any contribution made by the Council would come at a direct cost to the Council. However, it is now possible for staff to contribute to Shared Cost AVCs under a salary sacrifice arrangement without there being any direct cost to the Council.

Current Policy

14. 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

15. The Council will allow Local Government Pension Scheme Members to contribute to a shared cost salary sacrifice scheme additional voluntary contribution (SSSCAVC) scheme. The amount of these employer Shared Cost AVC contributions will not exceed the amount of salary sacrificed by the employee.
16. The reason for the change is to allow the new salary sacrificed shared cost AVCs to be offered to staff as a benefit, at no cost to the council.
17. The Council will not enter into any other form of Shared Cost AVC arrangement.
18. 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.

Consultation

19. Consultation has taken place with key members of staff across the organisation, Corporate Management Team, and North Yorkshire Pension fund. Engagement has also been made with the trade unions.

Council Plan

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

Implications

21.

- (a) **Financial** – There is an overall saving to the council in NICs, including after fees, where staff pay into the new SSSCAVC scheme.
- (b) **Human Resources (HR)** – There are no HR implications.
- (c) **Equalities** – There are no implications.
- (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

22. 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

23. 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

24. If approved the Pension Discretion Policy Statement will be signed dated, and forwarded to the NY Pension Scheme by the Chief Finance Officer (Section 151 Officer).

Contact Details

Author: Helen Whiting /Anna Vinuesa
01904 551622/552002

Chief Officer Responsible for the report: Ian Floyd, Chief Operating Officer

Report Date: 17 January 2022

Approved

Specialist Implications Officers: Accounting Technician, Chief Finance Officer/Section 151

Wards Affected: None

For further information please contact the author of the report

Background Papers:

None

Annexes:

Appendix 1 – The proposed revised 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
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.
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 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.

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.
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.
Waive Reduction (cont.)	TP 3(1), TP Sch. 2, para 2(1)(c)	Mandatory	<p>Whether to waive any actuarial reduction for a member voluntarily drawing benefits before normal 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</p>	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.

			not be 60 by 31/3/16 and will attain 60 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.
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 for post 1.4.14 re-joiners)	R22(7)(b)	Recommended	Whether to extend the 12 month option period for a member to elect that deferred benefits should not be aggregated with an ongoing concurrent 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 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 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).
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 by the member in the previous 12 months	The Council will allow the substitution of a higher level of pensionable pay assessed over the previous 12 month period.
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 exercise discretion to allow Local Government Pension Scheme Members to contribute to a shared cost salary sacrifice scheme additional voluntary contribution (SSSCAVC) scheme. The amount of these employer Shared Cost AVC contributions will not exceed the amount of salary sacrificed by the employee. This is a Council discretion which is subject to the employee meeting the Council's conditions for acceptance into the salary sacrifice Shared Cost AVC scheme and may be withdrawn or changed at any time. The Council will not enter into any other form of shared cost AVC.
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.
Pensionable payments	R20(1)(b)	Recommended	Specify in an employee's contract what other payments or benefits, other than those	The Council reserves the right to specify what, if any, other payments or benefits are to be pensionable in accordance with the Regulations.

			specified in R20(1)(a) and not otherwise precluded by R20(2), are to be pensionable	The Council will automatically include “detriment” or “protected” pay as pensionable 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>
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
Forfeiture Certificate	R91(1) and (8)	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	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.
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.
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.
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.
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.

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
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.
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.
Refund of contributions - member left due to an offence/grave misconduct	A47(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.
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	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.

			member, and because of which the member left the employment)	
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 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	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.
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 Recommence ment	B31(7)	Less Common	Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment	The Council will be guided by the recommendation of an Independent 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, CYC 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	The Council's general policy is that it will not award any lump sum compensation. However, the Council reserves the right to use this discretion in exception circumstances.

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
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.
	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 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.
	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	The Council will consider on a case by case basis.

			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	
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Signed

Position:

Chief Finance Officer

Date

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**Staffing Matters & Urgency Committee
Draft Work Plan 2021-22**

21 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 3. Progress in implementing the new Corporate Leadership Group (CLG).
19 July 2021	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements
16 August 2021	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements
20 September 2021	<ol style="list-style-type: none"> 1. Emergency Retention Protocol 2. Redundancy, Retirement and Settlement Agreements
18 October 2021	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements
29 November 2021	<ol style="list-style-type: none"> 1. Appointment of the Managing Director of Make It York 2. Redundancy, Retirement and Settlement Agreements

17 January 2022	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements 2. - Amendment to the Discretions Policy Statement, to allow for Salary Sacrificed Shared Cost AVCs 3. 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
15 February 2022	1. Redundancy, Retirement and Settlement Agreements
21 March 2022	1. Redundancy, Retirement and Settlement Agreements
25 April 2022	1. Redundancy, Retirement and Settlement Agreements
16 May 2022	1. Redundancy, Retirement and Settlement Agreements



Staffing Matters and Urgency Committee
17 January 2022

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 for noting.

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.

Approval

4. In accordance with the updated discretions policy the S151 officer has approved the attached business cases. The Committee has the power within the Council's procedures to approve discretionary enhancements to redundancy. 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, however the information below provides an overview.

Employee	Costs to CYC
B (as per Annex B)	£0
Total	£0

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:

Note the expenditure associated with each proposal as detailed in the annexes.

Reason: In order to provide an overview of expenditure.

Contact Details

Author:

Helen Whiting
Head of HR
Human Resources
Ext 1622

Chief Officer Responsible for the report:

Ian Floyd
Chief Operating Officer

**Report
Approved**

Date 06 January
2022

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

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

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Staffing Matters and Urgency Committee**17 January 2022**

Report of Chief Operating Officer

Redundancy**Summary**

1. This report advises the Staffing Matters and Urgency Committee of the expenditure associated with the proposed dismissal of an employee on the grounds of redundancy.

Background

2. The background and detailed case surrounding each proposal are contained in the individual business cases to be circulated at the meeting as annexes to this report.

Consultation

3. All of the proposed redundancies 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 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, however the information below provides an overview.

Directorate: People

Employee	Redundancy Cost £	Pension cost to CYC £	Total £
A	£3,085.62	£9,757.30 Paid over 5 years	£12,842.92
Total	£3,085.62	£9,757.30	£12,842.92

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 is 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:
- 1) Note the expenditure associated with the proposed dismissal of the employees on the grounds of redundancy detailed in the annexes.

Reason: In order to provide an overview of the expenditure.

Contact Details

Author:

Helen Whiting
Head of HR
Human Resources
Ext 1622

Chief Officer Responsible for the report:

Ian Floyd
Head of Paid Service

**Report
Approved**

Date

06 January
2022

Specialist Implications Officer(s):

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex A - Confidential Business Case

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