

Staffing Committee

Agenda

Date: Tuesday 5th July 2016
Time: 2.00 pm
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the body in question.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given. It is not required to give notice of the intention to make use of public speaking provision, however, as a matter of courtesy, a period of 24 hours notice is encouraged.

4. **Minutes of Previous Meetings** (Pages 1 - 8)

To approve the minutes of the meetings held on 21 April 2016 and 26 May 2016

5. **Health and Safety, HR and Organisational Development** (Pages 9 - 30)

To receive an update on progress with Health and Safety, Human Resource and Organisational Development items

6. **HR Policy and Procedures**

a) **Pension Discretions Policy** (Pages 31 - 42)

To consider a report seeking approval for proposed changes to the Pensions Discretions Policy

7. **HR Policy and Procedure Review**

To consider establishing a series of informal meetings for all Staffing Committee members to provide feedback in respect of draft changes in policies and procedures. To receive a verbal report from the Chairman

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Staffing Committee**
held on Thursday, 21st April, 2016 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor B Moran (Chairman)
Councillor G Barton (Vice-Chairman)

Councillors D Brown, J Jackson, M Jones, D Marren, D Newton and A Stott

Councillor in Attendance

Councillor JP Findlow

Officers

Sara Barker, Head of Strategic HR
Rosie Ottewill, Organisational Development Manager
Karen Begley, HR Business Partner
Sally Gold, Legal Services
Rachel Graves, Democratic Services

38 APOLOGIES FOR ABSENCE

There were no apologies for absence.

39 DECLARATIONS OF INTEREST

Councillor J Jackson declared she was a member of GMB.

40 PUBLIC SPEAKING TIME/OPEN SESSION

No members of the public were present.

41 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 29 February 2016 be confirmed as a correct record.

42 HEALTH AND SAFETY, HR AND ORGANISATIONAL DEVELOPMENT

The Committee considered a report on the progress with Health and Safety matters.

The report provided details of the number of health and safety courses undertaken, the inspections carried out and the accident and incident figures reported on PRIME in quarter 4.

It was noted that the Health and Safety Team had been awarded their fourth consecutive RoSPA Gold Achievement Award and had also received a Commended Award in the RoSPA Public Service and Local Government competitive Sector.

The Committee was concerned about an incident at the Registration Service in Macclesfield and asked for further information including if the incident had been reported to RIDDOR, had support been provided to the member of staff and whether the incident had been reported to the police.

The Committee considered a report on the progress with Human Resource and Organisational Development matters.

The report provided details on progress with the Council's Workforce Strategy, Organisational Design, Leadership and Management training, the Corporate Training programme, staff recruitment and retention, reward and recognition, the Council's sickness absence rate, and provision of Education HR Consultancy.

It was reported that in relation to Workforce Priority reporting, a review of the format and data included would take place and in future would report against service objectives.

A collaborative procurement between Cheshire East, Cheshire West and Warrington Councils for Occupational Health services was under way, with tender submissions being required by 19 April 2016. The tenders would then be evaluated and it was anticipated that a decision would be made by the end of May with the new contract to start on 1 September 2016. The Committee requested details of the performance standards required of the future supplier of the service.

It was reported that the first 'Aspiring Managers' programme had been completed with a 100% pass rate. Further cohorts had been requested and would take place during 2016/2017. The outline programme for these sessions would be shared with Staffing Committee members.

The Committee asked about the impact of the Government's announcement to change all schools into academies and the effect this could have on the Education HR Consultancy Service. It was agreed that an update would be brought to the next meeting.

Details of the HR performance data were included in the report. In relation to the FTE by headcount, the Committee stated that they found the year on year comparison data difficult to understand due to the restructuring and changes in department names and asked if an explanatory note could be added to aid understanding. It was also requested that an estimated net position be provided and include the number of staff transferring to ASDVs.

The Committee asked if additional information could be reported which showed the expected salary and pension contributions saving over time using the wage bill of employed staff and agency workers. It was agreed that Officers would explore if this was possible.

The number of cases being investigated under formal procedures was noted. The Committee felt it would be useful if they could observe an Employment Tribunal to help their understanding and learning in relation to the Appeal hearings. It was agreed that the Head of Strategic HR would notify the Chairman of the Staffing Committee of the dates of any Employment Tribunals and that consideration be given to awareness training to support Members should they be required to attend as witnesses.

RESOLVED: That

- 1 the report be noted;
- 2 further information be provided to Staffing Committee members on the incident at Macclesfield Registration Service;
- 3 details of the performance standards in the Occupations Health tender document be provided to Staffing Committee members;
- 4 details of the Aspiring Managers programme be shared with Staffing Committee members;
- 5 an update be brought to the next meeting on the impact of all schools becoming academies;
- 6 the HR performance data format be amended to include an explanation note on restructuring in the FTE year on year comparison figures and to include an estimated net position;
- 7 the Head of Strategic HR to inform the Chairman of Staffing Committee on the dates of Employment Tribunals and awareness training be provided on being a witness at the Tribunals.

43 HR POLICIES AND PROCEDURES

(a) Revisions to Human Resources Policies and Procedures: Pension Discretions Policy (post 1st April 2014), Retirement Policy, Redundancy and Efficiency Policy and Redundancy and Efficiency Procedure

The Committee considered a report on proposed minor changes to the current Pensions Discretion Policy and the associated Retirement Policy, Redundancy and Efficiency Policy and Redundancy and Efficiency Procedure.

A summary of the proposed changes was set out in Paragraph 10.1 of the report.

The Committee proposed that the decision on the pension discretions be deferred to allow a more detailed review of the pension discretion policy to take place which would take into account the Local Government Pension Scheme provisions and any discretions set by the Cheshire Pension Scheme. It was agreed that Councillors B Moran, JP Findlow and D Marren would meet with Officers to consider a review of the regulations, including regulation 16 – buy back of lost pension, and regulation 31 – purchase of additional pension, and to review the VR Panel and Staffing Officers Panel to ensure that appropriate control mechanisms are in place.

RESOLVED:

That the decision in relation to pension discretions be deferred to allow for a more detailed review of the Pension Discretion Policy.

(b) Exit Payment Overview

The Committee considered a report which detailed the current position in relation to the Government proposals on the recovery of public sector exit payments, redundancy capping limits and additional consultation on wider reforms to public sector exit payments.

The report also provided a summary of packages currently offered by other North West Councils and made proposals regarding a further review of the Council's voluntary redundancy terms.

The Committee was of the view that the review of the voluntary redundancy terms should not wait until the had Government clarified the proposals on exit payments and that it should take place alongside. It was proposed that Councillors B Moran, JP Findlow and D Marren met with Officer to progress the review and a further report be brought to the next meeting.

RESOLVED:

That a review of Voluntary Redundancy Terms take place, with Councillors B Moran, JP Findlow and D Marren meeting with Officer to progress the review.

(c) Grievance, Bullying and Harassment Procedure

The Committee considered a report which detailed the revised Grievance, Bullying and Harassment Procedure.

The Staffing Committee, at its meeting on 29 February 2016, had suggested a number of changes to the Procedure. The Trade Unions had

been consulted on these and had agreed to them. The Procedure was now presented to the Committee for approval.

A further amendment was reported in relation to paragraph 61 – ‘Violence at Work Policy’ to be deleted and ‘Corporate Health and Safety Policy’ be inserted.

The Committee suggested that consideration should be given to allowing a friend to act as a companion as well as a trade union official or work colleague to the appellant. It was agreed that this would be discussed with the Trade Unions and the outcome reported back to the Committee.

RESOLVED: That

- 1 the revised Grievance, Bullying and Harassment Procedure, as set out at Appendix 1 to the report, be approved with the amendment to paragraph 61 of ‘Violence at Work Policy’ to be deleted and ‘Corporate Health and Safety Policy’ be inserted.
- 2 The Trade Unions be consulted on the inclusion of a friend as a companion to the appellant.

44 **SETTLEMENT AGREEMENTS**

The Committee discussed the use and wording of Settlement Agreements when employees left the Council. The wording in the Settlement Agreements was based on a model template.

It was agreed that a review of the Council’s use of settlement agreements should be carried out and look at how frequently they were used and in what circumstances.

RESOLVED:

That a review of the Council’s use of Settlement Agreements be carried out and an update be brought to the next meeting of the Staffing Committee.

The meeting commenced at 2.00 pm and concluded at 4.40 pm

Councillor B Moran (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Staffing Committee**
held on Thursday, 26th May, 2016 at The Kim Ryley Room - Westfields,
Middlewich Road Sandbach

PRESENT

Councillor B Moran (Chairman)

Councillors D Brown, J Jackson, D Marren, D Newton, M Parsons and
JP Findlow (Sub for Cllr R Bailey)

1 APOLOGIES FOR ABSENCE

Apologies were received from Councillors R Bailey and G Barton.

2 DECLARATIONS OF INTEREST

No declarations were made.

3 PUBLIC SPEAKING TIME/OPEN SESSION

No members of the public were present.

4 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 as amended on the grounds that it involved the likely discussion of exempt information as defined in Paragraphs 1 and 2 of Part 1 of the Schedule 12A of the Local Government Act 1972 and the public interest would not be served in publishing the information.

5 APPOINTMENT OF EXECUTIVE DIRECTOR ECONOMIC GROWTH AND PROSPERITY

The Committee interviewed the candidates for the position of Executive Director Economic Growth and Prosperity.

RESOLVED:

That the position of Executive Director – Economic Growth and Prosperity, be offered to Frank Jordan, at the appropriate salary and appropriate job title, subject to satisfactory references.

The meeting commenced at 9.30 am and concluded at 17.55 pm

Councillor B Moran (Chairman)

CHESHIRE EAST COUNCIL

Staffing Committee

Date of Meeting: 5 July 2016
Report of: Head of Strategic HR
Subject/Title: Health and Safety, HR and Organisational Development

1.0 Report Summary

- 1.1 To update the Committee on progress with Health and Safety, Human Resource (HR) and Organisational Development (OD) items. A report on Health and Safety is provided, followed by an update under each heading of the Council's Workforce Strategy.

2.0 Recommendation

- 2.1 To note the report and receive feedback.

3.0 Reasons for Recommendations

- 3.1 To ensure Members are kept up to date with HR and OD developments and that the Committee's Terms of Reference are followed.

4.0 Wards Affected

- 4.1 No specific wards affected.

5.0 Local Ward Members

- 5.1 Not applicable.

6.0 Policy Implications

- 6.1 No significant policy issues identified as a result of this update report.

7.0 Financial Implications

- 7.1 No direct financial implications arising from this report.

8.0 Legal Implications

- 8.1 No direct legal implications arising from this report.

9.0 Risk Management

- 9.1 No significant risks identified as a result of this update report. Risks relating to specific matters are dealt with separately.

10.0 HEALTH AND SAFETY

Health and Safety Update – Quarter 1: 01.04.16 – 31.05.16 only

Data within this report refers only to employees working in schools and in the corporate core, following a decision made by Staffing Committee Members in October 2014. Health and Safety data highlights relating to ASDVs are included in Cheshire East Residents First's quarterly board reports.

10.1 Delivery of Training during Quarter 1: 01.04.16 – 31.05.16 only

- 10.1.1 7 courses have been delivered to **106** employees from the Corporate Core and Schools: (these figures to not include courses attended by ASDV employees)

NO. OF COURSES	COURSE	ATTENDEES
1	Basic First Aid, Gorsey Bank Primary School (half day)	21 Schools
1	Defibrillator Training / Annual Refresher Course (2 hour)	9 Corporate
1	First Aid Re-qualification course (2 day)	1 1 School
1	PRIME Accident Reporting training (half day)	15 5 Corporate 10 Schools
1	First Aid at Work course (3 day)	5 3 Corporate 2 Schools
1	PRIME Accident Reporting	15 5 Corporate 10 Schools
1	Corporate Induction (Health & Safety session)	40 Corporate
7	TOTALS	106 62 Corporate 44 Schools

10.2 Visits and Inspections Undertaken during Quarter 1: 01.04.16 – 31.05.16 only

The following school visits and Local Exhaust Ventilation (LEV) tests (to assess the effectiveness of dust / fume extraction) were undertaken:

- Primary non Academy Reviews – 11
- Secondary Reviews: 1
- Secondary Academy Reviews: 1
- LEV Tests Design & Technology – 2
- Primary Academy Reviews: 4
- Special Reviews: 1
- LEV Tests Science – 2

Inspections, visits and toolbox talks undertaken, during the period included:

- Brocklehurst Centre
- Mount View
- Congleton Cycle Race Route
- Weaver Wander - Nantwich
- Cledford House
- Sandbach Children's Centre
- Redesmere
- Congleton Library
- Stanley Centre
- Crewe Family Centre
- Crewe Lifestyle Centre
- Meeting with Libraries Manager re H&S systems
- Meetings with Events Manager re various outdoor events

There were no significant / major outcomes noted during any of these visits.

10.3 Buy-Back Position from ASDVs and ESAR During 2016 - 2017

10.3.1 ANSA, TSS, ORBITAS and ESAR have continued to buy health & safety services from CEC. ESAR completed its two year obligatory buy-back on 31.03.16 and has decided to continue this relationship with the Corporate Health & Safety Service for the current financial year.

10.3.2 Action plans are currently being prepared which identify the service which each customer can expect to receive during the financial year. Where possible, estimated dates are included for monitoring purposes.

10.3.3 Quarterly progress meetings with each customer have been agreed.

10.4 Current Buy-Back Position from Schools for a Service Between September 2016 – August 2017

10.4.1 The buy-back target is 85% and the current position shows that 68% of schools have bought in to the Health & Safety Service for 2016 – 2017.

10.4.2 The buy-back period remains open until 31.08.16.

10.5 Occupational Health Contract

10.5.1 The collaborative procurement of Occupational Health Services (OHU) between Cheshire East, Cheshire West and Chester and Warrington Councils progresses well. A successful tendering process has been completed with a preferred supplier being appointed to deliver an Occupational Health Service from 01.09.16. Early implementation meetings will be underway as soon as the stand-still period has expired. TUPE meetings involving input from UNISON are underway and involve the only one remaining CEC employee.

10.6 Corporate Accident and Incident Statistics – Quarter 1: 01.04.16 – 31.05.16 only

10.6.1 Statistics are shown in relation to employee numbers and follow the HSE formula for calculating the Accident Frequency Percentage:

$$\frac{\text{No. accidents} \div \text{no. employees} \times 100,000}{100 \text{ (to show \%)}}$$

Relevant commentary is presented relating to a selection of specific accidents and incidents¹ of note.

Total number of RIDDOR Accident / Incidents (All details below exclude ASDV data)

Reporting Period	No. of Accidents & Incidents on PRIME	No. of RIDDOR ² Reports
Q1– Q4: 2013-2014	6271	113
Q1– Q4: 2014-2015	4969	93
Q1 – Q4: 2015-2016	3496	22

Q1: 2016 - 2017 01.04.16-31.05.16 ONLY	636	3
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Q1: 2016 - 2017 01.04.16-31.05.16 ONLY			
Accidents & Incidents			
Corporate Core	RIDDOR	Schools	RIDDOR
264	1	372	2

¹ An incident is an event where no physical injury occurs, although this may still be RIDDOR reportable depending upon the circumstances – e.g. a fire, loss of electric power or a scaffold collapse.

² RIDDOR – the Reporting of Incidents, Diseases and Dangerous Occurrences Regulations

ACCIDENT & INCIDENT OVERVIEW DETAILS: 01.04.16 – 30.04.16

		Corporate Core employees: 3763	Schools employees: 3996
Accidents	Employees	21	18
Accident Rate Factor (Employees)		5.6%	4.5%
	MOTP ³	64	146
Incidents	Employees	12	3
	MOTP	39	16
A&I Total		136	183

		Corporate Core	Schools
RIDDOR⁴	Employees	0	1
	MOTP	1	0
RIDDOR Total		1	1

April**Corporate Core RIDDOR Reports:**

1. One RIDDOR accident involved a member of the public (a young person) engaging in “horseplay” on a bridge in Queens Park, Crewe. He fell and sustained head injuries and was airlifted to hospital. He has made a full recovery and was not badly injured.

Schools RIDDOR Reports:

1. One RIDDOR reportable accident occurring in schools involved a member of catering staff sustaining a lifting and handling injury and fractured wrist whilst moving tables.

Corporate Core General Accidents and Incidents:

1. Tatton Park reported 9 accidents in April - 2 involving minor injuries to staff and 7 involving members of the public. Causes included slips, trip and falls, sudden illnesses and people struck by a moving/flying object.
2. A football player sustained a leg injury on the pitch at Congleton Playing Fields. This site is owned by the Authority, but managed by ANSA. There were severe problems with the ambulance accessing the injured party, remedial action has been taken to ensure safe access and egress for emergency vehicles visiting the site. The accident was not RIDDOR reportable as it involved an adult sporting injury.

³ MOTP – Members of the Public

⁴ RIDDOR – The Reporting of Injuries Diseases and Dangerous Occurrence Regulations

- Care4CE reported 12 staff accidents, none of which were serious. Causes included slips trips and falls and being hit by something fixed or stationary injuries. Care4CE also reported 6 assaults, usually involving service users who display challenging behaviour. 20 incidents involved slips, trips and falls to members of the public (usually day centre and residential service users).

Schools General Accidents and Incidents:

- The majority of school accidents involved members of the public (i.e.:pupils) and most were classed as playground accidents. Staff accidents included slips, trips and falls, injuries whilst lifting or handling or staff being assaulted by pupils. None of these staff accidents / incidents involving staff were serious and none required hospital treatment.

No Health and Safety Executive (HSE) investigations involving the Authority were carried out in the month of April.

ACCIDENT & INCIDENT OVERVIEW DETAILS: 01.05.16 – 31.05.16

		Corporate Core Employees: 3747	Schools Employees: 3994
Accidents	Employees	27	21
Accident Rate Factor (Employees)		7.2%	5.2%
	MOTP ⁵	66	163
Incidents	Employees	10	0
	MOTP	25	5
A&I Total		128	189

		Corporate Core	Schools
RIDDOR⁶	Employees	0	1
	MOTP	0	0
RIDDOR Total		0	1

May

Corporate Core RIDDOR Reports: No relevant reports were made.

Schools RIDDOR Report:

- One RIDDOR reportable accident occurring schools involved a teaching assistant who slipped on water in a corridor sustaining a knee injury, incapacitating her for more than 7 days.

⁵ MOTP – Members of the Public

⁶ RIDDOR – The Reporting of Injuries Diseases and Dangerous Occurrence Regulations

Corporate Core General Accidents and Incidents:

1. Care4CE reported 20 staff accidents, none of which were serious. Causes included slips trips and falls, minor burns and scalds and manual handling injuries. Care4CE also reported 16 assaults, usually involving service users who display challenging behaviour

Schools General Accidents and Incidents:

2. Slips, trips and falls accounted for 42 accidents within schools, mainly pupils falling in the playground or during sporting activity. 78 accidents reported were as a result of either someone being hit by a moving / flying object or hitting something fixed or stationary. Again, this was primarily due to pupils in playground type accidents.

The vast majority of the incidents in both the corporate core and schools were aggressive or threatening behaviour, involving service users or pupils

No Health and Safety Executive (HSE) investigations involving the Authority were carried out in the month of May

11.0 WORKFORCE PRIORITIES

- 11.1 Work is in progress to finalise the Council's People Plan 2016/2017 (see Appendix 1 for an overview of the key priorities). This plan will support the delivery of organisational strategic priorities. The detailed programme of work with clearly defined objectives, performance measures and timescales will be shared in due course.

This section of the report is structured under the headings of the Council's Workforce Strategy.

Culture and Values

- 11.2 The staff survey 2016 was launched on 15th June. Response levels so far have been positive with an ongoing communications campaign. The broad themes of the survey have remained similar to the 2014 survey with some small changes to build on the learning from the previous survey. The results are expected late September 2016. Co-ordinated action planning both corporately and locally within services will take place during the autumn.

12.0 Organisational Design

12.1 Senior Management Realignment

The Council has recently strategically realigned service functions into three new directorates: People, Place and Corporate Services.

This Council reorganisation is more evolution than revolution because it builds on previous significant organisational change. The changes are primarily re-grouping of functions and changes in senior manager report lines rather than wholesale restructuring. The key changes under the realignment of function under People, Place and Corporate Services are:

- The new People's Directorate brings together four existing Council departments: children and families; adult social care; communities; and public health. The People Directorate brings together under a single leadership, the width and breadth of: support, care and education services to children and their families; support and care to vulnerable adults and elderly people; and also brings together support to communities and public health services;
- The role of Executive Director People incorporates the statutory role of director of children's services and line manages the statutory roles of both director of adult services and director of public health. The post also includes the role of Deputy Chief Executive;
- The Place Directorate merges the activities of the Economic Growth and Prosperity Directorate including Planning, Regeneration, Strategic Transport and Countryside with highways functions. This creates in one

place the Council's functions to grow the economy and drive quality of place.

- The new structure for the Corporate Services Directorate is well positioned to support the journey from 'good to great'. It also draws together key customer focussed services to ensure an effective platform from which to build future services and ensure maximum benefit for the Council and residents from digital technology.
- The Corporate Services Directorate also provides a 'flatter', less hierarchical and more accountable structure with heads of service reporting directly to the Chief Operating Officer.

The aim of these structural changes is to strengthen the leadership team, enabling greater accountability and clarity of purpose in an environment where 'added value' and financial challenge will be at the forefront of all aspects of service delivery. The line management changes came into effect 1 June.

13.0 Leadership and Management

- 13.1 ILM Leadership and Management qualifications level 5: 12 candidates that have been approved to continue are awaiting transfer to another trainer following completion of procurement process. 22 Level 3 qualification candidates are awaiting certification of completed units or transfer to another trainer.

The Level 5 Diploma in Health and Social Care Leadership has four candidates currently awaiting registration.

- 13.2 The first 'Aspiring Managers' group of 11 candidates have received their certificates.
- 13.3 The Neuro Linguistic Programming Forum continues to take place sharing good practice and supporting staff to implement learning across the Council.

14.1.1 Building Capability and Capacity

- 14.1 The Corporate Training programme has offered 21 training sessions on 12 topics between April and May 2016, with 213 delegates attending training this quarter. In terms of evaluation, from April to May 2016, 80% of attendees have rated training as very good/excellent.
- 14.2 Seven applications for individual funding support have been approved through the Continued Professional Development (CPD) virtual panel during April and May 2016. Successful candidates are supported through membership to the Cheshire East Council Academic Study Support forum.
- 14.3 Specific team development and training planning continues for Planning, Education Strategy Team, Early Help and Prevention Team, Legal Services, ICT and Corporate Resources & Stewardship. The Workforce Development

Team has led these and worked in collaboration with professional bodies such as CIPFA and RTPI to align provision with professional capability requirements.

14.4 Thirty Eight staff attended 9 sessions of Oracle training.

14.5 The Adults Service has received training sessions on the following topics:

- Control and Restraint for Heather Brae – 3 sessions, 30 attended,
- Liquid Logic – 4 sessions, 21 attended.

Thirty six Adults staff attended the Social Care Staff Workshop.

14.6 The Children and Families Service has received training sessions on the following topics:

- Promoting Children's Speech & Language Skills - 1 session, 17 attended;
- Communicating Effectively with Children – 1 session, 15 attended;
- Parental Substance Misuse – 2 sessions, 39 attended;
- Age Assessment – 1 session, 17 attended;
- CAF Assessment & Engagement– 1 session, 25 attended.

14.7 The Children and Families service has also received specific training for the following topics:

- ASYEs – Child Development, 16 attended;
- Service Managers and Team Managers Legal Training, 36 attended;

Sixty-nine Children & Families front line staff attended the Staff Conference, whilst ninety-three managers attended the Manager Briefing.

Twelve staff attended the Working Together - lunchtime seminar.

14.8 Supporting Children and Families Service Progression Pathways remains a priority. Funding requests have been approved for five social workers to take up places on a PGDip course at Salford University this quarter to support progression. The Workforce Development Team has undertaken a review of progression routes and specialist roles with the service to further develop the progression offer and this has been completed and signed off.

14.9 Assessed and Supported Year in Employment (ASYE): Adults: 15 currently registered on the programme. Children's: 17 currently registered.

15.0 Resourcing and Talent

15.1 The Staffing Committee appointed the Executive Director of Places (formerly Executive Director of Economic Growth and Prosperity). Interim management arrangements are in place for the Director of Adult Services pending a review of the role.

- 15.2 A second open day was held on the 19th April 2016 at Congleton Town Hall, promoting opportunities in C4CE in the Congleton area. There were eleven visitors on the day leading to three applications, one of whom has been offered a position.
- 15.3 Two apprentices secured a position with the Council during Q1. Current number of apprentices is 34. Breakdown per service is COO – 15, Economic Growth and Prosperity – 6, Adult Social Care - 4, Children and Families - 6, Public Health – 1, Communities – 2. The majority of this cohort is working towards a Business Admin NVQ qualification.
- 15.4 The Council continues to offer a Graduate Programme which includes Graduate Internships and a Graduate Development Programme to recognise the importance of early career development. The Graduate Development Programme members include both permanent staff recent graduates and graduate interns. A second cohort has recently launched bringing membership to 16 people.
- 15.5 There have been 27 student placements confirmed in Q1, including work experience and internship placements across all directorates. The Workforce Development Team has worked with services to implement standardised basic placement programmes with additional experiences specific to each team.

16.0 Reward and Recognition

- 16.1 Local government national pay negotiations for NJC Officers have concluded for the period 1 April 2016 to 31 March 2018. The individual basic salaries and salary scales of officers within scope have been increased by 1.0% with effect from 1 April 2016 and a further 1.0% with effect from 1 April 2017.
- 16.2 In addition, joint NJC discussions on the national pay spine, considering its ability to respond to the future needs of the sector and the progressive impact of the National Living Wage through to at least 2020 will shortly be commencing. These discussions are expected to continue over many months and updates will be provided to Staffing Committee.
- 16.3 To enhance the range of employee benefits an on-line “Rewards Centre” is due to be launched in July for staff. The externally hosted offering will provide a range of high street discounts to staff with over 6,000 different discounts and offers, such as well known high street stores, days out, holidays etc. Including discounts at over 120,000 stores including M&S, John Lewis, IKEA, Sainsbury's, Morrisons, B&Q etc. Available through telephone, mobile, or website ordering, the Rewards Centre will help staff make their money go further and will support the attraction and retention of employees.

17.0 HR Policy Outline Work Programme

- 17.1 The HR Policy work programme for 2016/2017 is underway as outlined in Appendix 2, outline and comprises three main elements:

1. Legislative Change
2. Strategic Review
3. Policy Review – a rolling review of existing HR policies.

17.2 A discussion took place at Staffing Committee on 21st April regarding companion support at Grievance, Bullying and Harassment hearings. This has been discussed with the trade unions and will now proceed to the Policy Reassurance Group for consideration.

18.0 Voluntary Redundancies – (Apr-May 2016 only due to report timing)

18.1 The Council's voluntary redundancy scheme continues to support organisational change and the delivery of the planned programme of change in the Council's Three Year Plan. The effective use of voluntary redundancy enables the Council to achieve its planned savings and efficiencies and also helps to maintain good employee relations within the Authority, minimising the prospect of compulsory redundancy.

18.2 Eleven people have left the Council under voluntary redundancy terms in Q1. The total severance cost, for all employees was £529,507, inclusive of redundancy and actuarial costs. Over the next five years, these reductions are estimated to save the Council over £1,649,650 (which is the combined accumulated costs of the deleted posts).

18.3 To ensure these savings are realised, a number of mechanisms are in place which commence with the VR Panel who approve or decline voluntary redundancies based on a robust business case. Staffing budgets are adjusted to reflect the approved reductions in staffing. Additional checks are in place, such as Recruitment Watch, where vacancies are approved prior to advertisement.

18.4 A summary of the number of employees by service area and total severance costs for Q1 is provided below.

Service area	Number of employees	Severance costs
Care4CE	1	54,103
Children's Services	3	217,697
Communities	4	85,720
Strategic Workforce Development	3	171,988
Grand Total	11	529,507

19.0 Education HR Consultancy

19.1 The team was awarded "Team of the Month" in March. The award recognises that the team have gone above and beyond to deliver services in addition to

its core offering to its schools and academies and in the process have generated significant additional income.

- 19.2 The team produced a Summer Term Newsletter for schools and academies and also published the following policies Flexible Working and Work-Life Balance Policy and Procedure, Social Media Policy, Travel and Expenses Policy. The team also delivered an Attendance Management Training Course for School and Academy managers and a Safer Recruitment Training Course for Governors and Head teachers. In addition the team supported the Pension Automatic re – enrolment exercise which has been taking place.
- 19.3 Following the discussion at the last Staffing Committee meeting on the impact of Government's continual encourage or enforcement of schools to become Academies, a short paper on the white paper is provided in Appendix 3, for information.

20. Absence

- 20.1 The overall absence rate between April and May 2016 (inclusive) was 1.78 days per FTE employee; 0.07 days higher than the same period in 2015/16.

21.0 Staffing Committee Working Groups

21.1 Absence Attendance Management Working Group

- 21.1.1 Staffing Committee has established a Member/Officer Working Group to review absence and attendance management. The working group is due to meet again on 29th June.

- 21.1.2 The Working Group is currently focusing on reporting arrangements, the governance, challenge and scrutiny of managing attendance. An Audit of the application of the Attendance Management Procedure is nearing completion. Further updates will be provided to Staffing Committee.

21.2 Policy Reassurance Group

- 21.2.1 Staffing Committee has established a cross-party Working Group to provide assurance that the wellbeing of staff and members of Cheshire East Council is aligned to best practice and organisational values.

- 21.2.2 The inaugural meeting of the working group was held on May 2016 where the terms of reference were agreed and a review of the related policies commissioned to inform future direction.

21.3 Pension Discretions and Exit Payments Review Working Group

- 21.3.1 Staffing Committee has also established a Member/Officer Working Group to review the Council's pension discretions and to undertake a wider review of exit payments. The Working Group has so far met on 17th May and 7th June.

21.3.2 Following input from the Cheshire Pension Fund, the Working Group has drafted a revised pension discretions policy which Staffing Committee are asked to approved on 5th July (a separate item on the agenda). In addition, a range of initial options and considerations have been explored in relation to the Council's Voluntary Redundancy terms and these are in the process of being shared with a wider group of stakeholders. In parallel to the review of exit payments, work is also underway to review the Council's use of Settlement Agreements. Further updates will be provided to Staffing Committee.

22. HR Performance Data (Apr-May 2016 only due to report timing)FTE by Directorate**Quarter 1 2016-17 Apr-May 2016 only due to report timing)**

Directorate/Service	Apr-16		May-16	
	Headcount	FTE	Headcount	FTE
Public Health	25	22.2	24	21.6
Adults Social Care & Independent Living	972	754.5	959	743.0
Children's Services	1193	795.1	1189	792.1
Chief Operating Officer	1242	1052.9	1224	1037.0
Commissioning	42	39.2	43	39.6
Corporate Resources and Stewardship	502	440.2	491	431.5
Democratic Services and Governance	85	57.2	83	55.6
Legal Services	62	53.6	64	55.6
Media (Communications and PR)	9	8.7	9	8.7
Commissioning and Client Support [△]	8	8	8	8
Communities	494	407.8	486	399.8
Apprentices	39	37.2	39	37.2
Economic Growth & Prosperity	342	266.0	350	269.3
Growth and Regeneration	86	79.5	84	78.1
Crewe – High Growth City	3	3.0	4	4
<i>Lifelong Learning</i>	10	8.2	12	10.2
Planning and Sustainable Development	71	67.4	71	66.4
Strategic Infrastructure	11	10.5	11	10.5
Countryside, Culture and Visitor Economy	159	95.4	165	97.1
Cheshire East Council Total	3763*	2891.7	3747*	2876.2

*: Employees with multiple assignments across services will appear in the headcount figures for each service, but will be counted only once in the total (CE) headcount figure. [△]: excludes PATROL. **Note:** the Chief Executive has not been included in any of the Directorate/Service information, but is counted in the overall Cheshire East Council headcount and FTE figures.

Quarter 1 2015-16 (Apr-May-Jun 2015)

Directorate/Service (excludes ASDVs and Schools)	Apr-15		May-15		Jun-15	
	Headcount	FTE	Headcount	FTE	Headcount	FTE
Public Health	23	20.3	26	21.3	24	21.3
Media (Communications and PR)	8	7.9	8	7.9	8	7.9
Strategic Commissioning	2834	2079.5	2829	2077.6	2843	2084.5
Adults Social Care & Independent Living	1144	873.9	1142	871.1	1145	874.1
Children's Services	1162	764.0	1161	766.1	1169	769.3
Commissioning and Client Support [△]	25	23.8	25	23.8	24	23.2
Communities	500	414.8	498	413.7	502	414.9
Chief Operating Officer	589	482.1	588	477.1	592	479.3
Commissioning	51	46.3	50	45.9	50	45.9
Corporate Resources and Stewardship	309	249.1	314	249.9	317	253.1
Democratic Services and Governance	87	56.1	88	57.1	88	56.1
Legal Services	36	31.9	36	31.9	37	31.9
People and OD	61	54.7	60	53.3	60	53.4
Apprentices	44	43.0	39	38.0	39	38.0
Economic Growth & Prosperity	365	292.7	355	283.0	355	281.6
Assets	29	28.0	26	25.0	26	25.0
Crewe – High Growth City	1	1.0	2	2.0	2	2.0
Investment	92	83.8	86	78.3	85	77.1
Strategic and Economic Planning	65	63.3	65	63.3	63	61.2
Strategic Infrastructure	9	8.5	8	7.5	8	7.5
Visitor Economy, Culture and Tatton Park	164	103.4	163	102.2	166	104.1
Cheshire East Council Total	3812*	2883.5	3794*	2867.8	3810*	2875.6

*: Employees with multiple assignments across services will appear in the headcount figures for each service, but will be counted only once in the total (CE) headcount figure. [△]: Includes PATROL. **Note:** the Chief Executive has not been included in any of the Directorate/Service information, but is counted in the overall Cheshire East Council headcount and FTE figures.

Headcount/FTE trend (whole Council – excluding schools and casuals)

Date	Headcount	% change from previous year	% change from previous year excluding ASDV TUPE transfers out of CEC	FTE	% change from previous year	% change from previous year excluding ASDV TUPE transfers out of CEC
30 Apr 2009	6,522	n/a	n/a	4891.5	n/a	n/a
30 Apr 2010	6,155	-5.63	n/a	4582.8	-6.31	n/a
30 Apr 2011	5,860	-4.79	n/a	4385.4	-4.31	n/a
30 Apr 2012	5,449	-7.01	n/a	4080.2	-6.96	n/a
30 Apr 2013	5,103	-6.35	n/a	3880.7	-4.89	n/a
30 Apr 2014	4,403	-13.72	-6.87	3232.7	-16.70	-8.24
30 Apr 2015	3,812	-13.42	-0.88	2883.5	-10.80	0.45
30 Apr 2016	3,763	-1.29	-0.76	2891.7	0.28	0.98

Between April 2009 and May 2016, the overall Cheshire East Council employee headcount has reduced by 42.55%, and the overall number of FTE Cheshire East Council employees has decreased by 41.20%. Between April 2014 and May 2016 the overall Cheshire East Council employee headcount has reduced by 14.90%, and the overall number of FTE Cheshire East Council employees decreased by 11.03% over the same period; however the large (>10%) reductions in staffing between 2013 and 2014, and 2014 and 2015 are influenced by the TUPE transfer of employees to ASDVs.

Leavers between April and May 2016

Reason for leaving	Headcount of leavers	FTE
Resignation	44	30.3
Voluntary Redundancy	14	13.0
Retirement (including Normal Retirement - 60/65, Early Retirement - Request)	6	5.7
Mutual Termination	2	2.0
Disciplinary	1	0.2
Unsatisfactory Probation	1	1.0
Deceased	1	0.5
Capability	1	0.4
End of Fixed Term/Contract without Benefits	1	1.0
Total	71	54.2

The Cheshire East turnover between April and May 2016 was 1.9%. 61.97% of all leavers (*headcount*) between April and May 2016 left following resignations, 19.72% following voluntary redundancies, and 8.45% following retirements.

Working days lost due to sickness absence:

Figures for absence reflect (*calculated*) days lost to sickness absence per FTE employee).

Absence within month – year to date figures:

	Apr	May	Jun
Q1 2016/17	0.88	0.57	Pending
Q1 2015/16	1.04	0.80	0.93

Whole Council excluding Schools; figures show calculated days lost to sickness absence per FTE employee

Cumulative Absence – year to date figures:

	Apr	May	Jun
Q1 2016/17	0.88	1.78	Pending
Q1 2015/16	1.04	1.71	2.61

Whole Council excluding Schools; figures show cumulative calculated days lost to sickness absence per FTE employee

The cumulative average days lost to sickness, per FTE employee, at the end of May 2016 was 0.07 days higher than the same period in 2015/16. **Note:** in month absence figures cannot be combined to produce the cumulative absence levels due to back-dated changes within the Oracle system (e.g. absence events entered/closed and/or changes that affect the FTE figure used within the calculations)

Redeployment

A summary of the support offered to employees who were placed at risk during this period is included below as well as information about the reasons for redeployment being required, a summary of numbers placed at risk and the outcome of the redeployment.

Employees have been offered the opportunity for support with writing CVs and interview skills through the job centre and have been notified of external opportunities as and when we have been notified of them.

Close working with the supported employment team ensured that where this group of staff need additional support / advocacy, this was offered. One long serving employee who is a wheelchair user has been offered employment through this work.

Staff who are at risk as at 31 May 2016	Adults	Childrens	Comm-unity	COO	E G P	Grand Total
Closure of unit		2				2
On work trial	1					1
Restructure			1			1
Secondment				2		2
Grand Total	1	2	1	2		6

Outcome of redeployment April – May 2016	Adults	Childrens	Comm- unity	COO	P H	Grand Total
Dismissed (ill health capability Closure of unit	1					1
Redeployed to permanent post	3			1		4
Redeployed to temporary post	1			2	1	4
Voluntary Redundancy Restructure			3			3
Resigned / left / mutual termination Secondment	1	1		4		6
Retained in team following restructure		6				6
Grand Total	6	7	3	7	1	24

HR Casework

The HR Team continue to work with management to resolve concerns at the earliest opportunity. Where these cannot be resolved, formal procedures are used to give seek outcomes for the concerns raised. The table below sets out those cases that were considered using formal procedures. There have been no member appeals during the Q1 of 2016/17.

Summary of current formal case work:

	Capability	Disciplinary	Grievance	Dignity at Work	ET
As at June2015	3	12	3	1	0
As at Sept 2015	4	6	2	0	0
As at Dec 2015	4	2	1	0	1
As at March 2016	5	2	6	1	1
As at May 2016	4	2	3	1	1

Summary of closed formal case work during period.

	Capability	Disciplinary	Grievance	Dignity at Work	ET
Apr - May 2016	1	1	4	0	0

Summary of new formal case work during period.

	Capability	Disciplinary	Grievance	Dignity at Work	ET
Apr – May 2016	0	1	2	0	0

23. Access to Information

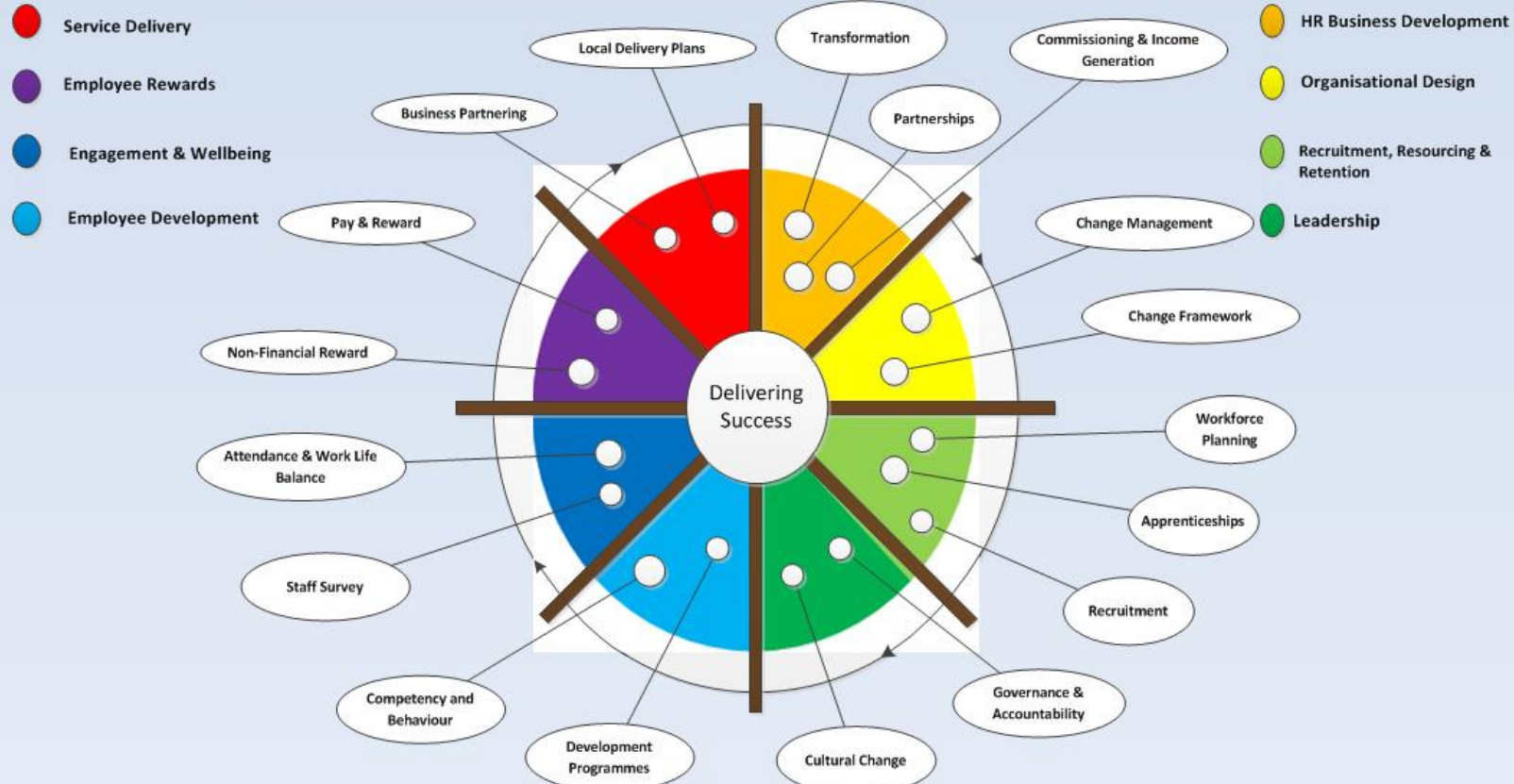
The background papers relating to this report can be inspected by contacting the report writer:

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Appendix 1

People Plan 2016/2017

Placing the right people in the right places at the right times



Appendix 2 –Outline HR Policy Work Programme - 2016/2017

This outline work programme provides an overview of key strands of HR Policy work scheduled for 2016/2017. The work programme comprises three main elements - 1. Legislative Change, 2. Strategic Review, 3. Policy Review. The dates are guides to the likely scheduling of work. Dates may change for a variety of reasons, for example, external delays in the implementation of employment law changes, change in organisational strategic focus, changes in priorities etc.

	Q 1 Apr- Jun	Q2 Jul- Sep	Q3 Oct - Dec	Q4 Jan- Mar
1. LEGISLATIVE CHANGE				
1.1 Public Sector Exit Payment Recovery		tbc		
1.2 Public Sector Exit Cap			Oct earliest	
1.3 Wider Reforms to Public Sector Exit Payments				tbc
1.4 Gender pay gap reporting			Oct 2016	
1.5 Code of Practice on English language			Oct 2016	
1.6 Trade Union Bill Implementation		July earliest		
2. STRATEGIC REVIEW				
2.1 Strategic Review of Attendance Management				
2.2 Policy Reassurance Group				
2.3 Pension Discretions and Exit Payments				
2.4 Total Reward Review				
3. POLICY REVIEW				
3.1 Performance and Conduct				
3.2 Family Friendly				
3.3 Pay/ Reward/ Benefits				
3.4 Health and Wellbeing				
3.5 Attendance/ Time Off				
3.6 Recruitment / Vacancies				
3.7 Leaving the Council				
3.8 Contract / Changing job				

Appendix 3 –Education Excellence Everywhere – White Paper Overview

The Education Excellence Everywhere White paper still makes it very clear that the Government's objective is to have all schools convert to academy status. The government has set out that there will be no compulsory requirement for a school to convert to academy if they are good/outstanding schools, in good LA's and where the LA is viable. Where these conditions are not met then there would be a requirement to convert.

The role of the local authority will be confined to three areas:

- Ensuring every child has a school place
- Ensuring the needs of vulnerable pupils are met
- Acting as champions for all parents and families

The Act also makes it clear that LA staff can provide support and services to Academies, Multi Academy Trusts and Free Schools but not as LA employees. This suggests that support in future would be delivered by staff employed directly by Multi Academy Trust's or by separate legal entities e.g. Trusts or Limited Companies. The Government's preferred model appears to be Multi Academy Trusts and it is conceivable that once a MAT reaches a particular number of schools they will be able to employ staff to provide support services directly rather than buying it in from the LA or another provider. This would create opportunities for staff currently employed in LA's to move to work within a MAT. As the number of maintained schools diminishes under this system Local Authorities are likely to reach a tipping point where their own in house support services become unviable. Some authorities have already reached this point and the Act will require schools in such areas to convert.

Education HR Consultancy at September 2015 obtained buy back from 90% of Cheshire East schools and academies, Health and Safety had slightly higher buy back at 94%, schools and academies have recently started buying back for 2016/17, final buy back position is not likely to be clear until the end of the academic year. Given the proposals set out by the Government for the future it is quite possible that services to schools and academies will not be delivered in the same way as they are at present, this will be true in all authorities. There is scope for collaboration between authorities in delivering school services and this makes practical as well as economic sense. Work of this kind has already started within the Greater Manchester area and is sure to continue in other areas of the country. Schools and academies will only continue to buy back services if they are high quality and value for money and this will be an ongoing challenge in the future.

There is currently some work being undertaken by the Council to consult and engage with schools and academies on what the future relationship between the council and schools and academies should look like, this will include provision of support services such as HR Consultancy and Health and Safety.

CHESHIRE EAST COUNCIL

Staffing Committee

Date of Meeting: 5th July 2016
Report of: Head of Strategic HR
Subject/Title: Revisions to Human Resources Policy:
Pension Discretions Policy (post 1st April 2014)

1.0 Report Summary

- 1.1 This report advises Staffing Committee of proposed minor changes to the current Pensions Discretion Policy. Approval is sought to the revised policy. The changes are summarised in appendix 1 attached to this report.
- 1.2 The Member and Officer Working Group, which was established for the purpose of working collectively through the options and issues around the pension discretions has put forward the recommendations contained within this report.
- 1.3 Staffing Committee should note that following approval, the Pension Discretions Policy must be published on centranet for employee's access and the revisions to the Scheme must be sent to the Pension Fund administrators within one month of its adoption. The Policy has to be published for 30 days before being actioned.

2.0 Recommendation

- 2.1 That Staffing Committee approve the revised policy document in Appendix 2.

3.0 Reasons for Recommendations

- 3.1 Employer Discretions were a new concept, introduced in the 2008 scheme which ran for 6 years (01/04/08 – 31/03/14). The concept of discretions was introduced to give employers more control and flexibility in the implementation of the Local Government Pension scheme. The current Pension Discretions Policy was first approved in June 2014 following the introduction of new pension legislation which further revised the pension scheme. As a result of the changes to the scheme, the Council is currently required to have both pre 2014 and post 2014 discretion policies in place. In addition, under the requirements of the Pension Regulations, the Council is required to update the Pension Discretions Policy on a regular basis.
- 3.3 The revisions to the policy take into account the business needs of the Council and interpretation of the pension regulations since introduction.

- 3.4 The Council is required under the Pension Scheme Regulations to publish its position in relation to five key discretions, and its position in relation to injury allowance. The recommended policy fulfils this requirement whilst also offering useful information in relation to other aspects of the scheme.
- 3.5 The recognised Trade Unions have been fully consulted and commented on the proposed draft policy, providing constructive feedback and insights which will be helpful for Officers. The Trade Unions have expressed some disappointment around the Council's decision not to exercise its discretion to contribute to the APC scheme under the APCs arrangement and the Councils continued position not to waive some or all of the actuarial reduction relating to flexible retirement.

4.0 Wards Affected

- 4.1 Not applicable

5.0 Local Ward Members

- 5.1 Not applicable

6.0 Policy Implications

- 6.1 The changes to the Pension Discretions Policy will ensure the Council has a complete set of pension discretions which reflects current practice, and supports the direction of the organisation going forward.
- 6.2 The changes ensure the Council's policy is not only effective in its usage but will also meet current pension regulations and the Pension Authorities expectations. The revised policy sets out a written statement of the Council on all the pension discretions required to be published by the scheme regulations, and also contains useful information in relation to other aspects of the scheme. The revised policy also clarifies the appeal mechanism.
- 6.3 The revisions have been shared with Cheshire Pension Fund prior to being submitted for approval to this Committee and are considered acceptable.
- 6.4 A review of the pre - 2014 discretions has been undertaken, and it has been determined that there is no requirement to make amendments to the pre 2014 document. A table outlining the changes to the discretions can be viewed in appendix 1.

7.0 Financial Implications

- 7.1 There are no noted financial implications noted.

8.0 Legal Implications

8.1 The Local Government Pension Regulations 2012 require the Council to formulate, publish and keep under review a policy statement regarding the exercise of discretions under the Local Government Pensions Scheme in respect of:

- Regulation 1- Transitional protections,
- Regulation 16- Ability to contribute to a shared cost additional pension contribution scheme,
- Regulation 30- Ability to award flexible retirement and waive actuarial reduction,
- Regulation 30- Ability to waive some or all of early retirement pension reduction on benefits if the member retires before normal pension age,
- Regulation 31- Ability to grant additional pension by reason of redundancy or business efficiency.

There is also a requirement to publish a position in relation to injury allowances.

8.2 In reviewing the policy, the Council must have regard to the extent to which the exercise of their discretionary powers (in accordance with the policy) unless properly limited, could lead to a serious loss of confidence in the public service and be satisfied that the policy is workable, affordable and reasonable, having regard to the foreseeable costs.

9.0 Risk Management

9.1 A clear and accessible Pension Discretion Policy will help mitigate the risk of the Council being challenged at appeal hearings and inform employees of the Councils policies in relation to areas that allow pension discretion.

9.2 Regular reviews of the policy ensure the Council is applying its policies correctly in relation to the ever increasing complexities of pension regulation and comply with the Cheshire Pension fund guidelines and requirements.

9.3 The controls underpinning the policy are via the Staffing Officer Panel or Voluntary Redundancy Panel, or as determined by the Council constitution.

9.4 The policy sets out the right of appeal to the Cheshire Pension Fund IDRP (Internal Dispute Resolution Procedure.)

10.0 Summary of changes

10.1 The changes to the Pension Discretions Policy are minor, and bring in line current practice with published policy. For ease of reference the changes to the existing policy have summarised as follows with further information in Appendix 1.

- Format changed to differentiate between the five compulsory discretions (including a statement in relation to injury allowances) and additional information over which the Council does not have discretion.
- Inclusion of a section on Injury Allowances and publication of Cheshire East Council's position with regards this discretion.
- Power to award additional pension and power for employer to purchase Additional Pension Contributions (APC's) - the Council is required to publish a position in relation to these discretions. The Council will not exercise these discretions as it is not likely they would be a useful tool in the organisation.
- Regulation 30 - clarification that this discretion will only be used on 'Compassionate grounds'. This aligns policy with practice and confirms the Council's position.
- Regulation 1 - this has been included as this is a key discretion where the Council is required to publish a position.
- Regulation 16 - this has been included as this is a key discretion where the Council is required to publish a position. It also includes a statement in line with the requirements of the pension scheme that the Council will ensure the employee is in good health if they want to purchase additional pension contributions (APC's). It also confirms that the Council will not contribute to APC's.
- Right of Appeal - Clarification of the employee's right of appeal to the Internal Dispute Resolution Procedure (IDRP) for any decisions made under this policy.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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APPENDIX 1

Summary of current and proposed post 2014 Pension Discretion Policy changes.

Pre 2014 discretions	Current post 2014 discretions	Proposed post 2014 discretions
Final Pay – the final pay figure used for the pension calculation will be based on the amount paid for the final 3 years salary prior to the termination date rather than 10 years	This was removed as the scheme changed to a Career Average Scheme. This meant the final salary was not used to calculate benefits, but used a calculation based on the career average salary.	No change. The basis for pay calculation in the scheme rules remains unaltered.
Power to increase total membership (augmentation) - can be used in exceptional circumstances.	This discretion was removed from the scheme as it was not included within pension regulations for the current Career Average Scheme post 2014.	No change
Power to award additional pension (up to £5,000 pa), This will not be used other than in exceptional circumstances.	Regulation 31 - This discretion remained in the discretions policy (and the upper limit had increased).	Remove. The policy previously stated this would only ever be used in exceptional circumstances.
	Regulation 31- Ability 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. There is a requirement to publish our position.	State our intention that the Council will agree this provision but will not consider funding in part with the employee of wholly.
Flexible retirement - the same as current discretions	Regulation 30 - Ability to award flexible retirement on an actuarially reduced basis. This discretion was agreed subject to Staffing Officer Panel approval. There is a requirement to publish our position.	No change
Early release of pension - used the term 'compassionate grounds'	Regulation 30 - Ability to waive some or all of early retirement reduction on benefits if a member retires before normal retirement age. This discretion was exercised, with release on 'appropriate grounds'. There is a requirement to publish our position.	The discretion will remain, but the wording is to be changed to clarify it will be exercised only on 'compassionate grounds'.
Contribution bandings- as current discretions	Regulation 9 - The contributions payable by active members, or bandings allocated for contribution rates	There is no requirement to publish our position on this, but it is useful information. It has been moved to the information section. A right of appeal against the banding has also been added.
Aggregation of service - as current	Regulation 22 - Re-employed and re-joining deferred members- (aggregation of service). Aggregation of service is automatic. The employee has 12 months to action this.	No change. There is no requirement to publish our position on this, but it is useful information. It has been moved to the information section.

Pre 2014 discretions	Current post 2014 discretions	Proposed post 2014 discretions
Inward transfer of pension rights- as current	Regulation 100 - Inward transfer of pension rights. An employee has 12 months to transfer pension in to the scheme from a previous scheme.	No change. There is no requirement to publish our position on this, but it is useful information. It has been moved to the information section.
	Regulation 35 - Early leavers- ill health.	No change. There is no requirement to publish our position on this, but it is useful information. It has been moved to the information section.
		Regulation 1- Transitional protections- Power of employing authority to 'switch on' the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60. This has been included as there is a requirement to publish this discretion as part of transitional protections. It is proposed not to consider using this discretion.
		Regulation 16 - Ability to contribute to a shared cost additional pension contribution (APC) scheme. This has been included as there is a requirement to publish if we will exercise this discretion. It also includes scheme requirement to state the employee is in good health if they want to purchase APC's. Employer will not exercise discretion to contribute to APC's.

Appendix 2 – proposed pension Discretions Policy



Human Resources Policy

Pension Discretions Policy – Post 1st April 2014 membership of the Local Government Pension Scheme (LGPS).

Scope

This policy applies to all employees of Cheshire East Borough Council who are eligible for membership of the Local Government Pension Scheme and have membership on or after 1st April 2014.

The exercise of discretions will be subject to a decision of the Council or of a Committee or Panel with appropriate delegated powers.

Policy Statement

To operate pensions discretions in a way that is fair and equitable to employees in a way that manages the liabilities of the pension fund in the overall interests of its members and of the Council whilst ensuring that it is suitable, reasonable and affordable and fosters confidence in public service.

Principles

There is a legal requirement for the Council to publish a policy statement on its approach to specified pensions discretions.

The policy addresses the discretions available to the Council under the Local Government Pension Scheme (LGPS) Regulations 2013 and Local Government (Early Termination of Employment (England and Wales) Discretionary Compensation Regulations 2006 and also sets out the Council's approach to other specified pensions discretions.

Definitions

Active member: an employee who is currently a member of the Council's Pension Scheme.

Deferred member: an employee or former employee who has benefits in the Council's pension scheme from an earlier period of service.

In respect of retirements on the grounds of ill health, 'Gainful Employment' is defined as paid employment for a period of not less than 30 hours in each week for a period of not less than 12 months.

Normal pension age/ normal retirement age: the normal scheme retirement age is linked to your State Pension age, or age 65 if this is later.

Compassionate grounds: For the purpose of this policy, the Council will generally define 'compassionate grounds' to mean caring responsibilities where the employee/ ex employee is the sole or main carer, providing substantial caring support to a partner, dependant or close family member. The Council will require evidence to support any application made on this basis.

Controls

Each application made in relation to the discretionary aspects of the Pension Scheme will be considered in line with this Policy. Where there is a financial implication for the Council the VR or Staffing Officer Panel will consider each application on an individual basis, giving consideration to the business case presented, affordability, value for money and equality issues.

Pensions Discretions

Regulation 1- Transitional Protections

Power of employing authority to 'switch on' the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.

An employee may voluntarily retire from age 55. The Council will not consider 'switching on' protection to the 85 year rule for members who retire from age 55 but before age 60, and will therefore not meet additional retirement costs under this regulation.

Regulation 16

Ability to contribute to a shared cost additional pension contribution (APC) scheme.

Employees may elect to pay additional pension contributions into a scheme established by the Pension Fund. The Council has not exercised its discretion to contribute to this APC scheme under the APCs arrangement.

Applications by employees to buy extra pension through APCs are available for scheme members. In order to comply with scheme requirements, applications must be supported by the Council to verify the employee is in good health.

Regulation 30

Ability to award flexible retirement and waive actuarial reduction.

Employees aged 55 and above may apply to reduce their hours of work and/or their pay grade and to seek agreement to early release to some, or all of their pension.

Requests will be considered if:

Either their substantive grade reduces by a minimum of 2 grades (e.g. grade 6 to grade 4) or equivalent, and/or their contract hours reduce by a minimum of 1/5th and at the same time the employee requests early release of their pension.

Where flexible retirement requests are approved and pension is released, payment of all of the pension will be on an actuarially reduced basis, unless they are in the protected group of employees as covered in the Local Government Pension Scheme Regulations.

Regulation 30

Ability to waive some or all of early retirement reduction on benefits if a member retires before Normal Pension Age (NPA)- for both active and deferred members.

Policy for Active and Deferred Members—

The Council will generally only exercise this discretion on *compassionate grounds* taking into account the economic impact on the Council. Benefits released under this discretion will be at an unreduced rate.

Regulation 31

Ability 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.

The Council has agreed this provision to enable an active scheme member or a member within 6 months of leaving to purchase additional membership where their employment was terminated on the grounds of redundancy or business efficiency.

The Council will not consider funding in part with the employee or wholly an APC purchase.

Local Government (Discretionary Payments) (Injury Allowances)

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

a) whether or not to make an injury award to those who sustain an injury or contract a disease as a result of anything they were required to do in performing the duties of their job and in consequence of which they:

- suffer a reduction remuneration, or

- cease to be employed as a result of an incapacity which is likely to be permanent and which was caused by the injury or disease, or
- die leaving a surviving spouse, civil partner or dependant, and

b) if the Scheme employer has a policy to make such payments, how it will determine the amount of injury allowance to be paid

Cheshire East Council does not use the employer's discretion to make any injury allowances as outlined in the Regulations.

Additional information

The pension regulations in this section of the policy are provided for clarity only. It should be noted that the Council does not have any discretion in these areas.

Regulation 9

Contributions payable by active members

Employees will be allocated to a band once a year from 1 April and subsequently only if their contract changes permanently i.e. promotion, down grading or a change in hours of work. Where an employee receives a mid-year grade increment or a late pay award, this will be picked up when the band is reviewed in the following April.

Where employees work additional hours or overtime the Council will allocate the band by in accordance with actual earnings made in that year and again change the following 1st April.

Employees on casual contracts will be allocated an estimated banding at the beginning of their assignment based on the number of hours the employee is likely to work. The banding will be reviewed annually, or earlier at the employee's request.

Appeals against band allocation must be lodged within 6 months of the date of allocation.

Regulation 16

Applications to buy back Additional Pension Contributions (APC's) for lost pension during periods of absence.

An employee may elect, within 30 days of authorised unpaid absence, including additional child related leave, to make up lost contributions. If the election is received within 30 days of return to work the cost will be shared between the employee (1/3rd) and the employer (2/3rds)

If the absence was due to strike, or the election to pay is received after 30 days of the return to work, the full cost of purchasing lost pension will be met by the employee who must enter into an Additional Pension Contribution Agreement directly with the pensions provider.

Regulation 22

Re-employed and re-joining deferred members.

Aggregation of current and previous service will be automatic where the employee has left and re-joined in the 2014 Scheme, unless the employee chooses not to aggregate the service.

If the member does not wish to aggregate service, this decision must be made within 12 months of joining the scheme. Extensions to the 12 month period will not generally be considered, other than in exceptional circumstances.

Regulation 35

Early Leavers – Ill Health

Under this regulation, an employee must have a qualifying period of *two years* pensionable service, and be certified by an Occupational Health Practitioner as incapable of carrying out their contractual role. To be eligible an employee must be certified by an Independent Registered Medical Practitioner (IRMP) that they are, *as a result of ill-health or infirmity of mind or body, are permanently incapable of discharging efficiently the duties of their employment* and that they are *not immediately capable of undertaking any gainful employment* (whether in Local Government or otherwise).

The employee will then be entitled to one of three levels of benefit as determined by the Local Government Pensions Regulations. The employer will decide the appropriate tier after consideration of the medical information available, and according to the likelihood of the employee obtaining gainful employment as certified by the IRMP. Agreement to release of pension on these grounds will be subject to approval of the Staffing Officer Panel.

Regulation 100

Inward transfer of pension rights

An employee may elect to transfer rights from a previous pension scheme within 12 months of joining the Local Government Pension Scheme. Extension to the 12 month period to transfer pension values will not be generally considered, other than in exceptional circumstance, and will only be agreed with joint approval from the Employer and Administering Authority.

Early payment of pension on grounds of ill health- ex-employees

Requests from ex employees with deferred benefits who seek early release of their pension on the grounds of ill health will be referred to an IRMP who will certify whether or not the ex employee is permanently incapable of undertaking the duties of their former employment because of ill health and that they are incapable of immediately obtaining any gainful employment. Release of pension on these grounds is subject to approval of the Staffing Officer Panel.

Equality

Cheshire East Council will ensure that, when implementing this policy, no employee will be disadvantaged on the basis of age, disability, gender reassignment, marital status or civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. This means that the policy may need to be adjusted to cater for the specific needs of an individual, including the provision of information in alternative formats where necessary.

Monitoring and Review

The policy will be reviewed in the light of operating experience and/or changes in legislation.

Data relating to this policy will be collated and monitored periodically to ensure that the Policy is operating fairly, consistently and effectively. Issues that are identified from the data will be dealt with appropriately.

Right of Appeal

Employees who are dissatisfied with a decision made under this scheme or that a decision has not been made under this scheme have a right to complain by using the Cheshire Pension Fund IDR (Internal Dispute Resolution Procedure).

Prepared by:	HR Policy and Strategy Team
Date :	June 2014
Revisions and reasons:	LGPS 2014 Regs Review
	July 2016 -Regs require regular review
Review date:	July 2019