

APPOINTMENTS COMMITTEE REPORT

17 March 2021

Presented by Cllr Richard Boyles, Chair of the Appointments Committee

1. Pay Policy Statement

- 1.1 The 2011 Localism Act and the associated statutory guidance set out in 'Openness and Accountability in Local Pay: Guidance under section 40 of the Localism Act 2011' requires the Council to produce a Pay Policy Statement for each financial year. The purpose of the Pay Policy Statement is to provide a clear and transparent policy on the Council's position on the remuneration of its Chief Officers and other employees, which demonstrates openness, accountability, and value for money to the public.
- 1.2 At its meeting on 5 March 2021, the Committee gave consideration to the revised Pay Policy Statement for the 2021-22 financial year prior to its publication. A copy of the full report can be accessed at:
<https://glostext.gloucestershire.gov.uk/ieListDocuments.aspx?CId=262&MId=10080&Ver=4>
- 1.3 The Committee considered the following changes to the 2020/21 version:
 - An updated list of posts in which the post-holder earns £100k or more (FTE).
 - Expanded definition of 'Market Rate Supplement' to include a response to recruitment difficulties that arise from the 'scarcity' of suitable candidates in the labour market (e.g. the recent recruitment to the Head of Pension Fund), as well as to those posts for which, while there may not be a labour market supply shortage, recruitment difficulties nonetheless arise because the Council pay below the 'going rate' in the market.
 - Inclusion of a new section on Travel and Vehicle Provision, which covered the recently introduced car leasing scheme (for low-emission vehicles), the provision of a suitable emergency-response vehicle for GFRS officers at Station Manager Grade and above, and reference to the provision of fuel for GFRS Principal Officers (CFO, DCFO and ACFO) in connection with their 'continuous standby duty' commitment.
 - Reference to the introduction and subsequent withdrawal of legislation restricting public sector exit payments, and the Government's renewed statement of intent to 'work at pace' to introduce alternative measures to restrict excessive severance payments to public sector employees.
 - Some incidental (non-substantive) changes to wording and format to improve clarity.
- 1.4 Members questioned whether the inclusion of a provision covering GFRS fuel claims would offer greater protection to the Council from fraudulent claims. It was advised that this provision had been consulted on with professionals in this field, was fully compliant with the very specific HMRC guidance around the use of emergency response vehicles, and required the recording of all mileage and sign off by a manager. The Committee were assured that, in

addition to other improvements in policy, this provision would help to minimise the risk of fraud.

RESOLVED TO RECOMMEND TO THE COUNCIL that the revised Pay Policy Statement 2021-22 (Appendix A) be adopted.

2. Local Government Pensions Scheme – Discretions Policy

- 2.1 Regulation 60 of the LGPS Regulations 2013 and paragraph 2(2) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 say that a Scheme employer must prepare and publish a written statement of its policy in relation to the exercise of its functions under these regulations. There are similar requirements in respect of the LGPS 2008 and 1997 regulations regarding benefits accrued under the legacy ‘final salary’ schemes.
- 2.2 The Committee approved the Council’s Discretions Policy Statement at its meeting in July 2014, since then however; there had been various decisions from the Pensions Ombudsman and courts relating to the exercise by employers of discretions available to them under the various public sector schemes. These decisions had now led to the LGA advising local authority employers to review their Policy and make appropriate amendments if they considered it could be vulnerable to similar challenge.
- 2.3 On reviewing its Statement, the Council noted some potential vulnerability (in light of the above mentioned challenges).
- 2.3 At its meeting on 5 March 2021, the Committee were asked to consider the suggested change in wording outlined in *Annex B*, to address these vulnerabilities.
- 2.4 The Committee approved the revised wording to the Discretions Policy Statement.

Cllr Richard Boyles – Chair of the Appointments Committee

March 2021

**DRAFT Gloucestershire County Council
The Pay Policy Statement 2021-22**

INTRODUCTION

The purpose of this Pay Policy Statement is to provide a clear and transparent policy on the Council's position on the remuneration of its Chief Officers and other employees which demonstrates to the public openness, accountability and value for money.

The policy also meets the Council's obligations under the Localism Act 2011 and the associated statutory guidance set out in the document *Openness and Accountability in Local Pay: Guidance under section 40 of the Localism Act 2011*, together with the *Local Government Transparency Code 2015*.

The Council's pay arrangements reflect the need to recruit, retain and motivate skilled and committed employees to ensure high levels of performance, balanced with accountability to the public purse. They also recognise the importance of maintaining an approach to pay and reward that supports the high levels of flexibility and adaptability essential to the effective delivery of a diverse range of services in a challenging and rapidly changing environment.

The Council's pay and grading arrangements are underpinned by the principles of fairness and equality set out in the Equality Act 2010, the Public Sector Equality Duty and associated codes of practice.

The Council publishes an updated Pay Policy Statement (as approved by Full Council) each financial year (April to March).

This is the Pay Policy Statement for 2021-22.

What's covered in the Pay Policy Statement?

1. This statement sets out the Council's policies for the financial year 2021-22 relating to the remuneration of all non-school employees, including explicitly:
 - Remuneration of Chief Officers
 - Remuneration of the lowest paid employees
 - Relationship between the remuneration of Chief Officers and other employees
2. 'Remuneration' for the purposes of this statement includes:
 - Basic salary
 - Any other allowance or fee arising from employment
 - Pension on early termination of employment
 - Redundancy pay
3. The term 'Chief Officer' as used in this policy refers to those defined as such within the Localism Act 2011. The Chief Officer posts covered by this policy are therefore the Chief Executive and those posts which report directly to the Chief Executive, and also the next management tier below (excluding any secretarial, clerical or administrative support roles), as set out in the Council's constitution.

All references to 'Chief Officers' in this policy statement are therefore in respect of the above roles (i.e. to be distinguished from the wider group of senior staff employed by the Council on Executive Reward Band grades, all of whom are subject to National Joint Council for Chief Officers national conditions of service – these staff are referred to in this Policy as Executive Reward Band employees).

4. For the purposes of the Pay Policy Statement the term '**lowest paid**' is defined as a full-time employee on the lowest salary point of the Local Government Services (Green Book) pay scales.

Who does the Pay Policy Statement apply to?

5. This Pay Policy Statement applies to all non-schools employees of Gloucestershire County Council (the 'Council'), including the Gloucestershire Fire and Rescue Service ('GFRS'), unattached teachers employed centrally by the Council and Educational Psychologists employed under the Soulbury Committee national conditions of service.

6. Maintained schools are not covered by this policy but are separately required to produce an annual pay policy setting out the terms on which the remuneration of their staff (including pay awards) is based. Subject to certain discretionary powers delegated to schools by statute, support staff employed by the Council (in community and voluntary controlled schools) are subject to the same Green Book pay and conditions applicable generally within the Council. Support staff in maintained schools where the governing body is the employer (foundation and voluntary aided schools) may be employed on such pay and conditions as determined by the employer, although in practice these schools have opted to apply the Green Book. Academy schools are stand-alone organisations independent of the Council and therefore not affected by this Pay Policy Statement.
7. For unattached teachers (employed centrally by the Council), pay decisions are as determined by the Unattached Teachers Pay Panel (UTPP), chaired by the Director of Education, in accordance with the national framework set out in the Statutory Pay and Conditions Document (STPCD) for school teachers.

POLICY STATEMENT

Job evaluation

8. The job evaluation ('JE') process is applied to all jobs in the Council unless the salary is set nationally (e.g. firefighters). JE is a process by which organisations evaluate comparative job size by reference to a range of factors that measure and ascribe numerical values to the levels of responsibility to be carried by the job holder and the associated knowledge/skills required for effective job performance. The highest rated jobs are placed at the top of the grading structure and the lowest rated at the bottom. Objective application of a non-discriminatory JE scheme ensures that different jobs of 'equal value' are placed in the same grade.
9. The Council is committed to ensuring the fair and non-discriminatory determination of pay in accordance with equal pay legislation (Equality Act 2010) and the local government 'single status' agreement of 1997. The Council applies nationally recognised JE schemes, which were introduced locally in 2003 in consultation and agreement with our recognised trade unions.
10. The Hay JE scheme is used to evaluate senior manager jobs within the Council, which are those placed within the Executive Reward Band grades. The GLPC (Greater London Provincial Council) JE scheme is used to evaluate all other posts within the Council where the pay rates are not otherwise determined nationally.

11. The Council's JE process does not apply to those job roles for which the pay range is determined nationally through national conditions of service (e.g. the Grey Book for firefighters) or by statute (e.g. the STPCD for school teachers).

Grades and salary bands

12. As noted above, once a job has been evaluated, the total JE score will determine the pay grade or band that will apply to the post.
13. The overarching pay structure for each employment group is as set out under the relevant national conditions of service and/or statute, for example the Green Book national pay spine.
14. There are two Chief Officer posts currently on a 'spot salary' (i.e. no incremental progression). These are:
- The Chief Executive (Head of Paid Service)
 - The Chief Fire Officer, whose post is also that of a director with wider responsibilities for several other services within the Council

The Council's policy is to apply the nationally negotiated pay awards for the following groups of employees:

- Joint Negotiating Committee for Chief Executives – national Salary Framework and Conditions of Service Handbook.
 - Joint Negotiating Committee for Chief Officers of Local Authorities (for employees attached to Executive Reward Bands). This pay award is also applied to the Chief Fire Officer, Deputy Chief Fire Officer and Assistant Chief Fire Officer.
 - National Joint Council for Local Government Services ('Green Book') conditions of service (for employees attached to Grades 1-11).
 - Soulbury Committee national negotiating body (for Educational Psychologists).
 - National Joint Council for Local Authority Fire and Rescue Services ('Grey Book') for firefighters.
 - National Conditions of Service for School Teachers in England and Wales ('Burgundy Book') for unattached teachers. However, most matters relating to the pay of teachers are determined by statute through the annual STPCD, and therefore outside the scope of this policy.
15. Unless otherwise prescribed through national agreements or subject to a different authorisation process specified under this Pay Policy, any changes to

the Council's pay scales/grading structure or other local pay arrangements are developed through consultation and negotiation with the relevant recognised trade unions, and subject to final approval by the Council's Appointments Committee and/or Full Council as appropriate. Full details of the Council's Appointments Committee are set out in the Council's Constitution (a copy of which is available on the Council's web site).

16. Any future changes to the pay and grading structure for Chief Officers will be submitted to Full Council as an amendment to this Pay Policy Statement.

17. Senior salaries (over £100,000)

The following senior employees have a full-time equivalent (FTE) salary of £100k or higher as at 1st January 2021:

- Chief Executive (Head of Paid Service)
- Executive Director, Adults Social Care & Public Health (Statutory Director of Adult Social Care)
- Executive Director, Corporate Resources (S.151 officer)
- Executive Director, Children's Services (Statutory Director of Children's Social Care)
- Executive Director, Economy, Environment and Infrastructure
- Chief Fire Officer
- Deputy Chief Fire Officer
- Director, Partnerships and Strategy
- Director of Finance

Remuneration on recruitment

Subject to (1) the exceptions and flexibilities detailed in this Pay Policy Statement and (2) any overriding provisions set out in national conditions of service or through statute, the same recruitment and remuneration policies apply to all employees regardless of their grade or conditions of service.

18. Where there are difficulties in recruiting to a particular type of post and it can be evidenced that the Council is paying below the market rate for the job, a market rate supplement (MRS) may be paid in addition to the evaluated pay rate. A MRS payment may also be appropriate in circumstances where recruitment difficulties arise due to a national shortage of suitably qualified individuals for highly-specialist professional roles.

19. The amount of the MRS is based on market rate data and is reviewed annually. The MRS is removed or adjusted when market data shows that it is appropriate to do so, or otherwise at the Council's discretion. In the case of Chief Officers the MRS must be agreed by Appointments Committee, and for all other employees it must be agreed by the Chief Executive in consultation with the Director of People & Digital, who will ensure any equal pay considerations are appropriately addressed.
20. Candidates are normally appointed on the minimum salary point of the grade for the post. However, if a candidate is already being paid above the minimum point of the post they are applying for, the appointment may be made on the next increment(s) above their current salary subject to not exceeding the maximum of the grade.
21. Where it is considered necessary to support the recruitment and retention of staff in 'hard to fill' posts an employee may be appointed on a higher scale point within the grade than would normally be applicable (see above). However, any such agreement is subject (1) to prior approval of the relevant business case by the Chief Executive, and also (2) by the Director of People & Digital Services, who will ensure any such proposal is compatible with equal pay legislation.
22. The Appointments Committee is responsible for recommending to Full Council the appointment (on a permanent or temporary or acting up basis) of the Chief Executive. The Committee is also responsible for the appointment (on a permanent or temporary or acting up basis) of the Chief Finance Officer, the Monitoring Officer, the Chief Fire Officer, the Director of Public Health and all executive directors, including the statutory posts of Executive Director of Children's Services and Executive Director of Adult Social Care & Public Health. Appointments to these roles are made within the approved salary range for the post.
23. Where it is necessary for a newly appointed employee to relocate in order to take up an appointment the Council may, in exceptional circumstances, make a contribution towards the reimbursement of relocation expenses. Any such recommendation will be subject to the approval of the Chief Executive in consultation with the Director of Digital and People Services who will ensure any such proposal is compatible with equal pay legislation.

Flexibility to address recruitment issues for vacant posts

24. In nearly all circumstances the provisions of this Pay Policy Statement will enable the Council to ensure that it can recruit effectively to any vacant post. However, exceptional circumstances may arise where there are recruitment

difficulties for a particular post and evidence to show that the provisions of this Pay Policy Statement are not sufficient to secure an effective appointment.

25. This Pay Policy Statement recognises that the above situation may arise in exceptional circumstances and that a departure from the Policy can be implemented without having to seek Full Council approval for an in-year change to the Pay Policy Statement. However, any such departure will be expressly justified in each case and will be approved by the Chief Executive in consultation with the Leader or, in the case of the Chief Executive, a special meeting of Cabinet.

Interim 'off-payroll' appointments

26. For these purposes an 'interim' appointment will be an engagement other than through a regular contract of employment on standard Council terms and conditions of service (e.g. engagement through an agency or consultancy arrangement, or through a personal service company).
27. The Council is conscious of the need to secure value for money in the contractual arrangements for all appointments, including the need to ensure no one is inappropriately enabled to achieve a more favourable position in respect of their tax liabilities ('tax avoidance') than might otherwise apply. The Council will therefore have proper regard to this principle in applying the HMRC test for tax status under the IR35 tax provisions for any interim 'off-payroll' engagements.

Increases and additions to remuneration

28. The Council's policy is to apply any nationally negotiated pay awards to employees at all levels of the Council. An exception to this will be where employees have transferred to the Council under the Transfer of Undertaking (Protection of Employment) Regulations 2006 ('TUPE'), retaining statutory protection of the pay and conditions that applied with their previous employer. Any post-transfer local government pay award in such circumstances will not be automatically applied, but will be considered on a case-by-case basis and with due regard to equal pay legislation.
29. For those employed on the Executive Reward Bands, incremental progression through the band is based on verification of satisfactory performance measured over a 12 month period. Increments are paid on 1st April each year; or six months after the start date if commencing employment between October and April, with April increments payable annually thereafter, subject to the performance review.

30. For employees on the Green Book pay scales, annual increments are awarded up to the maximum of the grade subject to the employee meeting the requirements of the job. Increments are paid on the 1st April each year; or six months after the start date if commencing employment between October and April, with April increments payable annually thereafter.
31. Incremental or other pay progression for other staff groups will be as specified under the relevant national conditions of service.
32. In appropriate circumstances and subject to the approval arrangements set out at para 53 (Recruitment and Retention Payments), accelerated incremental progression may be applied to support the recruitment and/or retention of key Green Book, Chief Officer or Executive Reward Band employees. (See also the section on Recruitment and Retention payments at paras 52-53, below).
33. There is no provision for payment of an increment at any other time or in any other circumstances for employees covered by this Pay Policy Statement.
34. For Green Book, Chief Officer and Executive Reward Band employees the next annual increment will be withheld from any employee issued a formal warning under the Council's Disciplinary or Capability procedures.
35. Any pay increases for unattached teachers will be as determined by the Unattached Teachers Pay Panel (UTPP) and subject to the relevant provisions of the statutory STPCD. Pay determinations made by UTPP will be formally recorded in the annual Unattached Teachers Pay Policy document.

The use of bonuses

36. The Council does not make any bonus payments.

Payment on ceasing to be employed by the Council

37. With the exception of firefighters and unattached teachers (see paragraphs 38, 41 and 42 below) the Council operates the same redundancy policy for all staff, including Chief Officers and the lowest paid. The payment is based on the statutory redundancy table in respect of the 'age' and 'length of service' factors, but provides a multiplier of 1.75 to the number of weeks' pay due, and payment is calculated on actual weekly pay rather than being restricted to the statutory maximum. The application of a multiplier and use of actual pay are discretions permitted under the Local Government (Early Termination of Employment)

(Discretionary Compensation) (England and Wales) Regulations 2006 (as amended), and the Council's policy in this regard has previously been approved by the Appointments Committee.

38. For those posts that fall within the remit of the Firefighters' Pension Scheme, redundancy pay is calculated using the statutory redundancy scheme but based on actual weeks' pay, rather than the statutory minimum. This group falls outside the regulations specified above and therefore the Council does not have the discretion to consider further enhancing the redundancy payment for a firefighter.
39. Full Council is responsible for approving any dismissal of the Head of Paid Service, the Monitoring Officer, or the S.151 Officer. The dismissal any of the executive directors or the Chief Fire Officer is the responsibility of the Appointments Committee.
40. The Council will only make early payment of pension benefits in line with the relevant pension scheme regulations and the relevant pension policy statement which applies to all those staff who are scheme members. This applies irrespective of grade.
41. Any payments made in respect of early retirement for firefighters will be in accordance with the provisions of the Firefighters' Pension Scheme(s) and/or Firefighters' Compensation Scheme 2006; and for unattached teachers in accordance with the Teachers' Pension Scheme.
42. Any employee of the council employed in a teaching role that is not within in a school's staffing establishment (i.e. an 'unattached teacher') and who is subject to the Burgundy Book (teachers' national conditions of service) will receive only the statutory redundancy payment if permitted under the Teachers' Pension Scheme to take an enhanced pension.

Re-engagement

43. The Council will not, for at least two years, re-engage an ex-employee who has left with a redundancy, early pension or other severance payment, unless in exceptional circumstances (e.g. where an employee may have retrained in an area of skills shortage). However, for the avoidance of doubt, these provisions are not intended to apply to the re-engagement of an ex-employee who has simply exercised their right under the relevant pension scheme regulations to retire early and who is in receipt of a pension that has incurred no cost to the Council (this will generally be where any cost associated with the early release of the pension has been met by the employee through an actuarial reduction to the value of their pension entitlement).

44. A business case approved at director level and agreed by the Chief Executive is required before a final decision is made to re-engage within the two year period.
45. Any re-engagement of an ex-employee who is in receipt of pension will also be subject to any regulations and related policies on abatement that may apply under the terms of the relevant pension scheme.

The same policy regarding re-engagement and/or abatement of pension will be applied to all employees irrespective of grade.

Any other allowances arising from employment

The following allowances apply to all employees, with the exception of unattached teachers, firefighters and Soulbury staff whose pay and allowances in such circumstances will be determined in accordance with the relevant national conditions of service and/or STPCD:

Payment for acting up or additional duties

46. Chief Officers and Executive Reward Band employees are expected to be flexible in managing changing requirements. Therefore an honorarium will only be paid in exceptional circumstances and subject to approval by the Chief Executive. Any such arrangement must be for a designated time-limited period only, and will also be subject to agreement by the Director of People & Digital that it does not infringe equal pay legislation.
47. For other staff, in limited situations where an employee may be required or requested temporarily to carry out work of a higher grade, or otherwise undertake significant duties outside the scope of their contract of employment, the Council may consider an honorarium payment, the value of which must be consistent with equal pay and JE principles.
48. Any such payments are subject to review and are entirely at the Council's discretion and will only be made for a specified time-limited period.

Unsocial hours, overtime and other additional payments

49. The Council does not make unsocial hours, overtime or other additional payments to Chief Officers or Executive Reward Band employees.
50. For Green Book employees, the Council recognises that certain roles and services require employees to work unsocial hours, or be available to work

outside normal hours and therefore on standby. In these circumstances the Council has a policy to provide additional payments or time off in lieu for eligible employees (those up to and including Grade 8 of the Council's Green Book grading structure), and has discretion to extend such arrangements to Green Book employees on higher salary points, subject to approval of a business case by the relevant director and Director of People & Digital. Full details are set out in the Additional Payments Policy in the Employment Handbook on Staffnet.

51. Any such payments applicable to other staff groups will be as set out in the relevant national conditions of service (Grey Book, Gold Book, Soulbury Committee and Burgundy Book/STPCD), but if any local arrangements are proposed for such staff this will be subject to the approval of the Chief Executive in consultation with the Director of People & Digital.

Recruitment and retention payments

52. The Council has discretion to apply recruitment and/or retention payments in appropriate cases (e.g. evidenced recruitment or retention difficulties in respect of a particular type of post). This includes the discretion to apply accelerated increments within an employee's grade where this is considered to be the most effective option in the particular circumstances of the case.

53. The Appointments Committee would agree any such payments for Chief Officers and for all other employees the decision would be made, in consultation with the relevant Cabinet member, by (1) the Chief Executive in respect of the business case and (2) the Director of Digital and People Services, to ensure the proposed arrangement is compatible with equal pay legislation.

Travel, vehicle provision and car leasing

54. Unless national conditions of service prescribe otherwise, reimbursement of approved business mileage is made in accordance with the Council's locally agreed mileage rates, which currently mirror the approved HMRC rates.

55. All operational officers in the fire service (GFRS) at Station Manager level and above must be afforded access to an operational response vehicle for the effective performance of their role. The vehicle must meet a range of prescribed standards, which are set out in Service Policy 047 '*Response Vehicle Policy for Operational Officers*'. The Policy sets out full details of the conditions governing the scheme.

56. The Principal Officers in GFRS (CFO, DCFO and ACFO) are subject to a Continuous Standby Duty requirement, operated through a three-level locally

determined rota commitment. In this regard choice of an appropriate vehicle with an MRRP valued up to 33.3% of salary and compliant with fleet policy, or the currently provided officers' response vehicle, is available to Principal Officers. Similarly fuel for the vehicle is provided in accordance with HMRC rules exempting such provision from tax liability. Principal Officers have entered into a voluntary commitment to contribute to the cost of private travel, determined by reference to mileage incurred in respect of Level Three standby.

57. The availability of vehicles to employees elsewhere in the council remains covered by the Use of Council Vehicles Policy (Employment Handbook), which includes the conditions that apply to employees undertaking private mileage in council vehicles.
58. The Council has joined up with Zenith (the UK's largest independent leasing and fleet management business) to provide staff with the opportunity to obtain a new ultra-low emission car through a salary sacrifice scheme, which was launched on 9th September 2020. Under the scheme staff can choose a two or three year salary sacrifice period and a choice of annual mileage arrangements. While the scheme is open to all staff it is envisaged it will assist with recruitment and retention in respect of hard-to-fill posts.

Returning Officer

59. The Council is obliged to appoint a County Returning Officer who has specific duties in relation to council elections. A Returning Officer Payment is made in relation to this role, which is reviewed every four years in line with the Council's election cycle.

The relationship between the remuneration of Chief Officers and other employees

60. The Council is not obliged to (and does not) have a specific policy on pay ratios, but recognises that the Hutton Review of *Fair Pay in the Public Sector* recommended a maximum ratio of 1:20 between the highest and lowest remunerated posts.
61. In accordance with the *Local Government Transparency Code (2015)*, the Council uses the principle of pay ratios to inform a wider understanding of the relationship between its highest and lowest paid employees; and information regarding the ratio between the Council's highest and median taxable earnings is published annually on the Council's web-site in accordance with the Code.

Publication of and access to information relating to the remuneration of Chief Officers

62. Further information is available in the following documents on the Council's website:

- Statement of Accounts
- LGPS Pension Policy Statement
- Pay ratios

Apprenticeships

63. Level 2 and Level 3 Apprentices are paid on spot-point salaries that are increased annually in line with the national pay award.

64. Levels 4-7 Apprentices are paid at a rate equivalent to 80% of the bottom point of the grade for the job in which they are engaged for the apprenticeship. Pay is increased annually in line with the national pay award.

Gender Pay Gap Reporting

65. From April 2018 all organisations with 250 or more employees are required to publish an annual Gender Pay Gap Report showing the difference in pay between male and female employees both for the organisation as a whole and for each earnings quartile.

The Gender Pay Gap Report is published on the Council's website and also through the government's national data base.

Record of pay-related decisions

66. To ensure appropriate openness and transparency, and compliance with equal pay requirements, where this Pay Policy Statement indicates a pay-related determination is subject to the agreement of a specified officer or officers, this should be recorded as a formal Written Decision.

Policy review

67. The Council may amend this policy at any time with Full Council approval. Unless otherwise prescribed within this Pay Policy Statement any in-year

amendments will be published on the Council's website at that time, or otherwise included in the following year's Pay Policy Statement.

68. In this regard it is noted that, at the time of publication, the Government's position relating to the restriction of public sector exit payments remains unclear. The Restriction of Public Sector Severance Payment Regulations 2020 that came into effect on 4th November 2020 were subsequently revoked 12th February, with retrospective effect. The Government's stated reason for this was that the regulations had resulted in 'unexpected consequences' in some cases. However, the Government has indicated work is 'proceeding at pace' to introduce alternative arrangements 'to restrict excessive exit payments to public sector employees'. Any such alternative arrangements may therefore be introduced and apply to severance payments during 2021-22. Any resultant changes to the Council's would therefore be incorporated in next year's Pay Policy Statement.

69. This policy will be reviewed again no later than 31st March 2022.

**GCC Pay Policy Statement
February 2021**



Local Government Pension Scheme 2014

Statement of Policy on discretions for:

****Employer Name: Gloucestershire County Council**

****Applicable/Operative Date: 5th March 2021**

****Completed/Authorised By: Mandy Quayle**

****Position: Director Digital and People Services**

****Date Completed: 24th February 2021**

Signed:.....

**** PLEASE ENTER ABOVE DETAILS, which will be replicated onto each page of the document when it is printed, and complete the declaration below. Once completed and printed, please ensure the Policy is signed by a person suitably authorised to do so ****

The Local Government Pension Scheme Regulations require an Employer to prepare and keep under review, a written statement of its policy in relation to the exercise of its discretion under a number of provisions of the Regulations.

Similarly, there are a number of discretions under the Regulations which although not specifically requiring a written policy, would benefit from employers doing so, thereby demonstrating and ensuring a fair and consistent approach amongst its scheme members

This template document has therefore been prepared to assist employers in preparing a "Policy Statement". A brief description of each discretion has been included together with confirmation of whether a written policy is "Compulsory" or "Recommended".

General Information

In formulating its policies, a scheme employer should have regard to the extent to which the exercise of the discretions could lead to a serious loss of confidence in the public service;

A Scheme employer **must** send a copy of its policy statement to the administering authority (Gloucestershire County Council) and **must** ensure that a copy is published and easily accessible to all of its eligible Scheme employees.

A Scheme employer **must** keep its statement of policy under review and make such revisions as are appropriate following a change of its policy. Where a revision to the statement is made, a Scheme employer **must** send a copy of its revised statement to the administering authority before the expiry of one month beginning with the date that any such revision is made and **must** ensure that a copy is published and easily accessible to all of its eligible Scheme employees.

Notes regarding this document

Together with the description of each required policy, the relevant Regulation is provided, as per the key below.

- The Local Government Pension Scheme Regulations 2013 **(R)**
- The Local Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014 **(TP)**
- The Local Government Pension Scheme Regulations (Benefits, Membership and Contributions) Regulations 2007 (as amended) **(B)**
- The Local Government Pension Scheme Regulations 1997 (as amended) **(L97)**
- The Local Government Pension Scheme Regulations 1995 (as amended) **(L95)**

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Gloucestershire County Council

Applicable/Operative Date: 5th March 2021

Completed/Authorised By: Mandy Quayle

Position: Director Digital and People Services

Date Completed: 24th February 2021

PART A – Formulation of COMPULSORY policies in accordance with the 2014 Local Government Pension Scheme Regulations

1. Award of Additional Pension (Regulation 31 (R))

Whether to award (*at full cost to the employer*)

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

additional annual pension of, in total (*including any additional pension purchased by the Scheme employer under Regulation 16*) not more than the additional pension limit of £6,500 (*value of limit @ 1st April 2014*).

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

Gloucestershire County Council will not award any additional annual pension unless exceptional circumstances apply and it is in the County Council's economic and/or operational interests to do so, as detailed in a business case. This might, for example, be to redress a situation in which the member would otherwise suffer loss as a result of employer error or other maladministration.

2. Additional Pension Contributions (Regulation 16 (R))

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

Gloucestershire County Council will not fund, in whole or in part, any Additional Pension Contributions unless exceptional circumstances apply and it is in the County Council's economic and/or operational interests to do so, as detailed in a business case. This might, for example, be to redress a situation in which the member would otherwise suffer loss as a result of employer error or other maladministration.

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Gloucestershire County Council

Applicable/Operative Date: 5th March 2021

Completed/Authorised By: Mandy Quayle

Position: Director Digital and People Services

Date Completed: 24th February 2021

3. Flexible Retirement (Regulations 30(6) & 30(8) (R) and 11(2) (TP))

Whether to permit an active member who has attained the age of 55, to reduce their working hours, or grade and subsequently:

- (i) ******whether to consent to flexible retirement and the immediate payment of all or part of the retirement pension to which the member would be entitled in respect of that employment and
- (ii) whether to waive, in whole or part and at the employers own cost, any actuarial reduction which would otherwise be applied to the benefits taken on flexible retirement before Normal Pension Age (NPA)

****** *there may be direct costs to the employer where consent is given to the early payment of benefits before the members NPA*

Gloucestershire County Council will consider each request on its merits and a request will only be agreed if it is in the County Council's economic and/or operational interests to do so, as detailed in a business case. A reduction in hours must be at least 20% and/or a reduction in grade of at least one grade below. Full details can be found in the Flexible Retirement Policy.

4. Switching on the "Rule of 85" rule (Schedule 2 – paragraph 2(2) (TP))

****** Whether, as the "Rule of 85" does not (other than on flexible retirement) automatically apply to members who would otherwise be subject to it and who choose to voluntarily draw their benefits between age 55 and 60, to switch the "Rule of 85" back on for such members.

****** *there will be direct costs to the employer where the "Rule of 85" is switched back on for such members.*

Gloucestershire County Council will not normally 'switch on' on the Rule of 85, unless exceptional circumstances apply and it is in the County Council's economic and/or operational interests to do so, as detailed in a business case. This might, for example, be to redress a situation in which the member would otherwise suffer loss as a result of employer error or other maladministration.

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Gloucestershire County Council

Applicable/Operative Date: 5th March 2021

Completed/Authorised By: Mandy Quayle

Position: Director Digital and People Services

Date Completed: 24th February 2021

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Gloucestershire County Council

Applicable/Operative Date: 5th March 2021

Completed/Authorised By: Mandy Quayle

Position: Director Digital and People Services

Date Completed: 24th February 2021

5. Waiving actuarial reduction for members retiring on or after age 55 and before Normal Pension Age (other than on Flexible Retirement) (Regulation 30(8) (P) and Schedule 2 – paragraph 2(3) (TP)

** For active members voluntarily retiring on or after age 55 and before Normal Pension Age, who elect under regulation 30(5) of the LGPS Regulations 2013 to immediately draw benefits, and for deferred members and suspended tier 3 ill health pensioners who elect under regulation 30(5) of the LGPS Regulations 2013 to draw benefits (other than on ill health grounds) on or after age 55 and before Normal Pension Age, and who were:

not members of the LGPS before 1 October 2006 [Group 4 members], whether to:

- waive on compassionate grounds, any actuarial reduction that would otherwise be applied to benefits, if any, accrued before 1 April 2014, and/or
- waive, in whole or in part (on any grounds), any actuarial reduction that would otherwise be applied to benefits accrued after 31 March 2014

members of the LGPS before 1 October 2006 and will be 60 or more on 31 March 2016 [Group 1 members], whether to:

- waive on compassionate grounds, any actuarial reduction that would otherwise be applied to benefits accrued before 1 April 2016, and / or
- waive, in whole or in part (on any grounds), any actuarial reduction that would otherwise be applied to benefits accrued after 31 March 2016

members of the LGPS before 1 October 2006 and will not be 60 or more on 31 March 2016 and will not attain age 60 between 1 April 2016 and 31 March 2020 [Group 3 members], whether to:

- waive on compassionate grounds, any actuarial reduction that would otherwise be applied to benefits accrued before 1 April 2014, and / or
- waive, in whole or in part (on any grounds), any actuarial reduction that would otherwise be applied to benefits accrued after 31 March 2014

members of the LGPS before 1 October 2006 and will not be 60 or more on 31 March 2016 but will attain age 60 between 1 April 2016 and 31 March 2020 [Group 2 members], whether to

- waive on compassionate grounds, any actuarial reduction that would otherwise be applied to benefits accrued before 1 April 2020, and / or
- waive, in whole or in part (on any grounds), any actuarial reduction that would otherwise be applied to benefits accrued after 31 March 2020

** *there will be direct costs to the employer where actuarial reductions are waived*

Gloucestershire County Council will only waive any actuarial reduction on compassionate

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Gloucestershire County Council

Applicable/Operative Date: 5th March 2021

Completed/Authorised By: Mandy Quayle

Position: Director Digital and People Services

Date Completed: 24th February 2021

grounds in exceptional circumstances. Requests not normally succeed due to the associated cost.

Gloucestershire County Council will consider each request to waive actuarial reduction on its own merits. Requests will only be agreed if it is in the County Council's economic and/or operational interests to do so, as detailed in a business case. This might, for example, be to redress a situation in which the member would otherwise suffer loss as a result of employer error or other maladministration.

PART B – Formulation of RECOMMENDED policy in accordance with the Local Government Pension Scheme Regulations 2013

6. Contribution Banding (Regulations 9(1) & 9(3) (R))

** How the pension contribution band to which an employee is to be allocated on joining the Scheme, and at each subsequent April, will be determined and the circumstances in which the employer will, in addition to the review each April, review the pension contribution band to which an employee has been allocated following a material change which affects the member's pensionable pay in the course of a Scheme year (1 April to 31 March).

*** Where a scheme member is "rebanding", the Scheme employer must inform the member of the revised contribution rate and the date from which it is to be applied.*

Employees who are active scheme members of the LGPS will be assigned each April to the relevant contribution band based on the pensionable pay that they earned in the previous 12 months and any increment awarded on 1 April.

Those employees who join the LGPS during the scheme year will be assigned to the relevant LGPS contribution band based upon their starting annual salary. If an employee does not have an annual salary rate and has not been working for the whole of the previous year (for example those working under a casual contract) they will initially be assigned to the lowest LGPS contribution band.

Gloucestershire County Council may review and change the appropriate contribution band and rate on any material change in pay during the scheme year.

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Gloucestershire County Council

Applicable/Operative Date: 5th March 2021

Completed/Authorised By: Mandy Quayle

Position: Director Digital and People Services

Date Completed: 24th February 2021

7. Additional Voluntary Contributions (Regulation 17(1) (R))

Whether, how much, and in what circumstances to contribute to a Shared-Cost Additional Voluntary Contribution (SCAVC) arrangement entered into on or after 1 April 2014 and whether, how much, and in what circumstances to continue to contribute to any shared cost Additional Voluntary Contribution (SCAVC) arrangement entered into before 1 April 2014.

Gloucestershire County Council will not normally contribute to a Shared-Cost Additional Voluntary Contribution arrangement. Requests will only be agreed if it is in the County Council's economic and/or operational interests to do so, as detailed in a business case. This might, for example, be to redress a situation in which the member would otherwise suffer loss as a result of employer error or other maladministration.

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Gloucestershire County Council

Applicable/Operative Date: 5th March 2021

Completed/Authorised By: Mandy Quayle

Position: Director Digital and People Services

Date Completed: 24th February 2021

8. Merging of Deferred Member Pension Accounts with Active Member Pension Accounts (Regulation 22(7)(b) & 22(8)(b) (R))

Whether to extend the 12 month time limit within which a Scheme member who has a deferred LGPS benefit in England or Wales following the cessation of employment (or cessation of a concurrent employment) may elect not to have the deferred benefits aggregated with their new LGPS employment (or ongoing concurrent LGPS employment) if the member has not made an election to retain separate benefits within 12 months of commencing membership of the LGPS in the new employment (or within 12 months of ceasing the concurrent membership)

Gloucestershire County Council will consider each application not to have deferred benefits aggregated after the expiry of the 12 month time limit on an individual basis.

9. Inward Transfers of Pension Rights (Regulation 100(6) (R))

Whether, with the agreement of the Pension Fund administering authority, to permit a Scheme member to elect to transfer other pension rights into the LGPS if he / she has not made such an election within 12 months of joining the LGPS.

Gloucestershire County Council will not normally extend the statutory 12 month window. Requests will only be agreed if it is in the County Council's economic and/or operational interests to do so, as detailed in a business case. This might, for example, be to redress a situation in which the member would otherwise suffer loss as a result of employer error or other maladministration.

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Gloucestershire County Council

Applicable/Operative Date: 5th March 2021

Completed/Authorised By: Mandy Quayle

Position: Director Digital and People Services

Date Completed: 24th February 2021

10. Assumed Pensionable Pay (Regulation 21(5) (R))

Whether or not, when calculating assumed pensionable pay when a member is:

- on reduced contractual pay or no pay on due to sickness or injury, or
- absent during ordinary maternity, paternity or adoption leave or during paid additional maternity, paternity or adoption leave, or
- absent on reserve forces service leave, or
- retires with a Tier 1 or Tier 2 ill health pension, or
- dies in service

to include in the calculation the amount of any 'regular lump sum payment' received by the member in the 12 months preceding the date the absence began or the ill health retirement or death occurred

Gloucestershire County Council will review each case on its own merits.

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Gloucestershire County Council

Applicable/Operative Date: 5th March 2021

Completed/Authorised By: Mandy Quayle

Position: Director Digital and People Services

Date Completed: 24th February 2021

THE FOLLOWING ARE 'OLD' PROVISIONS RELATING TO "NON ACTIVE" SCHEME MEMBERS (I,E WHO HAVE ALREADY LEFT YOUR EMPLOYMENT AND ARE ENTITLED TO DEFERRED BENEFITS UNDER PREVIOUS REGULATIONS).

PART C – Formulation of COMPULSORY policy in accordance with Regulation 66 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007

11. Choice of early payment of pension (where left employment between 01/04/2008 and 31/03/2014) (Regulation 30(2) & (5) (B))

- (i) ** Whether to grant applications from deferred members who left between 01/04/2008 and 31/03/2014, the early payment of deferred pension benefits on or after age 55 and before age 60
- (ii) \$\$ Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65

*** there may be direct costs to the employer where consent is given to the early payment of benefits before age 60*

\$\$ there will be direct costs to the employer where actuarial reductions are waived

(i) Gloucestershire County Council will consider each request from deferred members on its own merits. Requests are not normally likely to succeed due to the associated cost, and will only be agreed if it is in the County Council's economic and/or operational interests to do so, as detailed in a business case. This might, for example, be to redress a situation in which the member would otherwise suffer loss as a result of employer error or other maladministration.

(ii) Gloucestershire County Council will only waive any actuarial reduction in exceptional circumstances on compassionate grounds. Requests are not normally likely to succeed due to the associated cost, and will only be agreed if it is in the County Council's economic and/or operational interests to do so, as detailed in a business case. This might, for example, be to redress a situation in which the member would otherwise suffer loss as a result of employer error or other maladministration.

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Gloucestershire County Council

Applicable/Operative Date: 5th March 2021

Completed/Authorised By: Mandy Quayle

Position: Director Digital and People Services

Date Completed: 24th February 2021

12. Choice of early payment of pension (where left employment between 01/04/2008 and 31/03/2014) for a suspended tier 3 ill health pensioner (Regulation 30A(3) & (5) (B))

- (i) ** Whether to grant applications from a suspended Tier 3 Ill Health member who left between 01/04/2008 and 31/03/2014, the early payment of deferred pension benefits on or after age 55 and before age 60
- (ii) \$\$ Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to a previously suspended Tier 3 Ill Health member, which are paid before age 65

*** there may be direct costs to the employer where consent is given to the early payment of benefits before age 60*

\$\$ there will be direct costs to the employer where actuarial reductions are waived

(i) Gloucestershire County Council will consider each request from a suspended Tier 3 Ill Health member on its own merits. Requests are not normally likely to succeed due to the associated cost and will only be agreed if it is in the County Council's economic and/or operational interests to do so, as detailed in a business case. This might, for example, be to redress a situation in which the member would otherwise suffer loss as a result of employer error or other maladministration.

(ii) Gloucestershire County Council will only waive any actuarial reduction in exceptional circumstances on compassionate grounds. Requests are not normally likely to succeed due to the associated cost and will only be agreed if it is in the County Council's economic and/or operational interests to do so, as detailed in a business case. This might, for example, be to redress a situation in which the member would otherwise suffer loss as a result of employer error or other maladministration.

PART D– Formulation of COMPULSORY policy under the Local Government Pension Scheme Regulations 1997

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Gloucestershire County Council

Applicable/Operative Date: 5th March 2021

Completed/Authorised By: Mandy Quayle

Position: Director Digital and People Services

Date Completed: 24th February 2021

13. Early payment of Deferred Benefits (where the member left employment between 01/04/1998 and 31/03/2008) (Regulation 31 (2) & (5) (L97))

- (i) ** Whether to grant applications from deferred members who left between 01/04/1998 and 31/03/2008, the early payment of deferred pension benefits on or after age 50^(see note below) and before age 60
- (ii) \$\$ Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65

*** there may be direct costs to the employer where consent is given to the early payment of benefits before age 60*

\$\$ there will be direct costs to the employer where actuarial reductions are waived

NOTE

Benefits paid on after 50 and before age 55 will be subject to an HMRC unauthorised payments charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, and a Scheme sanction charge on any benefits built up after 5th April 2006

(i) Gloucestershire County Council will consider each request from deferred members on its own merits. Requests are not normally likely to succeed due to the associated cost and will only be agreed if it is in the County Council's economic and/or operational interests to do so, as detailed in a business case. This might, for example, be to redress a situation in which the member would otherwise suffer loss as a result of employer error or other maladministration.

(ii) Gloucestershire County Council will only waive any actuarial reduction in exceptional circumstances on compassionate grounds. Requests are not normally likely to succeed due to the associated cost and will only be agreed if it is in the County Council's economic and/or operational interests to do so, as detailed in a business case. This might, for example, be to redress a situation in which the member would otherwise suffer loss as a result of employer error or other maladministration.

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Gloucestershire County Council

Applicable/Operative Date: 5th March 2021

Completed/Authorised By: Mandy Quayle

Position: Director Digital and People Services

Date Completed: 24th February 2021

PART E – Formulation of COMPULSORY policy under the Local Government Pension Scheme Regulations 1995

14. Early payment of Deferred Benefits on Compassionate grounds (where the member left employment before 01/04/1998) (Regulation D11 2(c) (L95))

** Whether to grant applications from deferred members who left before 01/04/1998, the early payment of deferred pension benefits on compassionate grounds (without actuarial reduction) on or after age 50^(see note below) and before age 65

** *there may be direct costs to the employer where consent is given to the early payment of benefits before age 65*

NOTE

Benefits paid on after 50 and before age 55 will be subject to an HMRC unauthorised payments charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, but there will be no Scheme sanction charge

Gloucestershire County Council will consider each request from deferred members on its own merits. Requests are not normally likely to succeed due to the associated cost.

DISCLAIMER:

THIS TEMPLATE DOCUMENT IS NOT AN EXHAUSTIVE LIST OF EMPLOYER DISCRETIONS UNDER THE LGPS; IT COVERS THOSE THAT ARE COMPULSORY AND THOSE WHICH WE, AS THE SCHEME ADMINISTRATORS, FEEL WOULD BENEFIT EMPLOYERS FROM MAKING A DECISION ON.