



Meeting	Audit and Governance Committee
Date and Time	Thursday, 11th February, 2021 at 6.00 pm.
Venue	This meeting will be held virtually and a live audio stream can be listened to via www.winchester.gov.uk .

Note: *Owing to the ongoing Covid-19 pandemic and government guidance, it will not be possible to hold this meeting in person. The Council has therefore made arrangements under the Coronavirus Act 2020, and subsequent Regulations permitting remote meetings, to hold the meeting virtually. If you are a member of the public and would like to listen to the audio stream of the meeting you may do so via www.winchester.gov.uk*

AGENDA

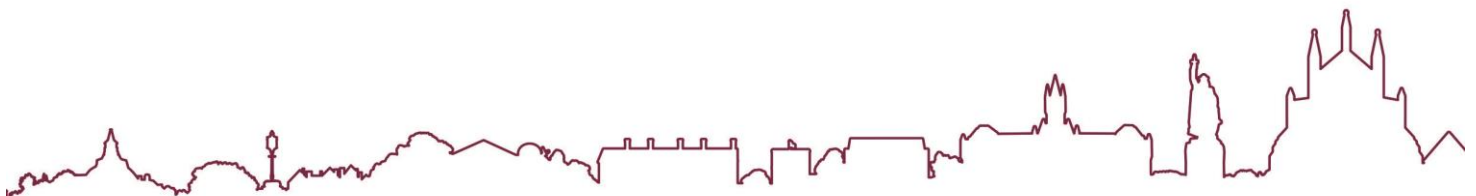
PROCEDURAL ITEMS

- 1. Apologies and Deputy Members**
To note the names of apologies given and Deputy Members who are attending the meeting in place of appointed Members.
- 2. Disclosure of Interests**
To receive any disclosure of interests from Members and Officers in matters to be discussed.

Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, and non disclosable pecuniary interests in accordance with legislation and the Council's Code of Conduct.

If you require advice, please contact the appropriate Democratic Services Officer, prior to the meeting.

- 3. Chairperson's Announcements**
- 4. Public Participation**



To receive and note questions asked and statements made from members of the public on matters which fall within the remit of the Committee..

NB members of the public are required to register with Democratic Services three clear working days before the meeting (see below for further details).

Members of the public and visiting councillors may speak at the Committee, provided they have registered to speak three working days in advance. Please contact Democratic Services **by 5pm on Friday 5 February 2021** via democracy@winchester.gov.uk or (01962) 848 264 to register to speak and for further details.

5. **Business items**
6. **Pay Policy AG041 (Pages 5 - 24)**

Lisa Kirkman
Strategic Director: Resources and Monitoring Officer

All of the Council's publicly available agendas, reports and minutes are available to view and download from the Council's [Website](#) and are also open to inspection at the offices of the council. As part of our drive to minimise our use of paper we do not provide paper copies of the full agenda pack at meetings. We do however, provide a number of copies of the agenda front sheet at the meeting which contains the QR Code opposite. Scanning this code enables members of the public to easily access all of the meeting papers on their own electronic device. Please hold your device's camera or QR code App over the QR Code so that it's clearly visible within your screen and you will be redirected to the agenda pack.



3 February 2021

Agenda Contact: Dave Shaw, Senior Democratic Services Officer
Tel: 01962 848221 email: dshaw@winchester.gov.uk

MEMBERSHIP

Chairperson:
Power (Liberal Democrats)

Vice-Chairperson:
Bronk (Liberal Democrats)

Conservatives
Gemmell
Godfrey
Mather

Liberal Democrats
Becker
Craske
Williams

Deputy Members

Lumby and Miller

Bentote and Laming

Quorum = 4 members

TERMS OF REFERENCE

Audit and Governance Committee – Included within the Council's Constitution (Part 2, Article 9)

PUBLIC PARTICIPATION

A public question and comment session is available at 6.00pm for a 15 minute period. There are few limitations on the questions you can ask. These relate to current applications, personal cases and confidential matters. Please contact Democratic Services on 01962 848 264 in advance of the meeting for further details. If there are no members of the public present at 6.00pm who wish to ask questions or make statements, then the meeting will commence.

NB members of the public are required to register with Democratic Services three clear working days before the meeting (see below for further details).

Members of the public and visiting councillors may speak at the Committee, provided they have registered to speak three working days in advance. Please contact Democratic Services **by 5pm on Friday 5 February 2021** via democracy@winchester.gov.uk or (01962) 848 264 to register to speak and for further details.

FILMING AND BROADCAST NOTIFICATION

This meeting may be recorded and broadcast live on the Council's website. The meeting may also be recorded and broadcast by the press and members of the public – please see the Access to Information Procedure Rules within the Council's Constitution for further information, which is available to view on the [Council's website](#).

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PAY POLICY STATEMENT 2021/22

11 FEBRUARY 2021

REPORT OF CABINET MEMBER: Cllr Neil Cutler, Deputy Leader and Cabinet Member for Finance and Risk

Contact Officer: Robert O'Reilly (Service Lead: HR) Tel No: 01962 848131 Email ROReilly@winchester.gov.uk

WARD(S): ALL

PURPOSE

This Pay Policy Statement is provided in accordance with Section 38(1) of the Localism Act 2011 and will be updated annually from 1 April each year.

The Pay Policy Statement sets out Winchester City Council's policies relating to the pay of its workforce for the financial year 2021/22, in particular:

- the remuneration of its Chief Officers;
- the remuneration of its "lowest paid employees"; and
- the relationship between:
 - the remuneration of its Chief Officers and
 - the remuneration of its employees who are not Chief Officers.

The purpose of the statement is to provide an open and transparent framework that ensures clarity, fairness and consistency in the remuneration of Chief Officers. It also ensures that employees at all levels of the Council are remunerated on a fair and equitable basis in accordance with equality legislation.

RECOMMENDATION:

1. That the Pay Policy Statement for the financial year 2021/22 is recommended to Council for adoption.
2. That in approving the Pay Policy Statement, which includes references to the government's Exit Pay Cap legislation, that Council note the Pay Policy will be amended, if needed, to accord with the decision of the current Judicial Review

and comply with any revised legislation. The amendment is delegated to the Strategic Director: Resources in consultation with the Deputy Leader and Chair of Audit and Governance Committee.

IMPLICATIONS:1 COUNCIL STRATEGY OUTCOME

- 1.1 Publishing an Annual Pay Policy Statement demonstrates an open and transparent approach to determining how council employees are remunerated. Remuneration comparisons are undertaken with similar local authorities to ensure that the council achieve good value with its approach. Defining key principles of how remuneration is determined contributes to the objective of achieving a balanced budget and stable council finances.

1 FINANCIAL IMPLICATIONS

- 1.2 There are no additional financial implications for the council in adopting this Pay Policy Statement. The proposed 2021/22 budget fully reflects the assumptions in the Pay Policy Statement.
- 1.3 The level of remuneration is a very important factor in both recruitment and retention of staff. There is a need to balance affordability and value for money with creating a reward framework that ensures the council can recruit, retain, motivate and develop employees who have the skills and capabilities necessary to ensure the continued provision of high quality services.

2 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The Pay Policy Statement 2021/22 takes full account of the Secretary of State's guidance in relation to open and transparent reporting of senior level pay in addition to relevant legislative requirements. This includes ensuring that there is an appropriate relationship between the remuneration levels of our senior managers and of all other employees.
- 3.2 The Pay Policy Statement 2021/22 takes account of:
- the Local Government Transparency Code 2015 issued by the Department for Communities and Local Government in February 2015
 - Openness and Accountability in Local Pay: Guidance under S40 of Localism Act 2011 issued in February 2012
 - Openness and Accountability in Local Pay: Guidance under S40 of Localism Act 2011 Supplementary Guidance issued in February 2013
 - guidance issued by the Joint National Council (JNC) for Local Authority Chief Executives on pay policy statements, published in November 2011 and supplementary notes published in January and March 2012
 - The Public Sector Exit Payment Regulations 2016
 - The Repayment of Public Sector Exit Payments Regulations 2015
 - Employment and equalities legislation affecting local authority employers, where relevant.

4 WORKFORCE IMPLICATIONS

4.1 The overall approach to remuneration for all employees, including senior management is based on:

- compliance with equal pay, discrimination and other relevant employment legislation such as the Equality Act 2010; and
- ensuring that our overall remuneration packages position the council as an “employer of choice” and that as such our “total reward package” is competitive within the local government and public sector markets.

4.2 In the application of the remuneration framework, the council takes into account market rates, individual performance and the need for consistency in the way remuneration bandings are applied. All remuneration differentials can be objectively justified using job evaluation mechanisms that directly establish the relative levels of posts in remuneration bands according to the requirements, demands and responsibilities of the post.

4.3 In determining remuneration, the council recognises the need to exercise the greatest care in managing scarce public resources while securing and retaining high quality employees. The principle of fair pay is important to the provision of well-managed services and the council is committed to ensuring fairness and equity in its remuneration practices.

5 PROPERTY AND ASSET IMPLICATIONS

5.1 NONE

6 CONSULTATION AND COMMUNICATION

6.1 The Localism Act 2011 requires the Council to publish a Pay Policy Statement on an annual basis. There are no material changes to the provisions set out in previous policy statements and there is therefore no requirement to consult on this policy wider than the scrutiny by the Audit & Governance Committee.

7 ENVIRONMENTAL CONSIDERATIONS

7.1 NONE

8 EQUALITY IMPACT ASSESSEMENT

8.1 There is no differential impact on a specified group as all HR matters are applied consistently.

8.2 As required nationally, the council reports on any potential discrepancies in pay, based on gender (“Gender Pay Gap” reporting); in accordance with the statutory timeframe.

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 This report does not contain confidential data and so there is no need to undertake a Data Protection Impact Assessment.

10 RISK MANAGEMENT

Risk	Mitigation	Opportunities
<i>Financial / VfM Failure to recruit / retain necessary, high-quality employees leading to increased costs of employing locum / agency staff.</i>	Assessment of market rates and individual performance combined with consistent application of remuneration bandings.	Positioning the council as an Employer of Choice
<i>Legal Failure to comply with the publication requirements of the Localism Act 2011, resulting in adverse local media coverage or legal challenge</i>	Pay policy review is embedded within the committee work programme to ensure annual publication.	
<i>Innovation</i>		
<i>Reputation Failure to recruit / retain necessary, high-quality employees leading to service delivery delays / failures.</i>	Assessment of market rates and individual performance combined with consistent application of remuneration bandings.	
<i>Other Potential increase in sickness absence amongst lower paid staff if they do not believe their contribution to the council is valued.</i>	Revisions to the pay scales implemented during April 2019 improved the basic pay for staff; the council remains a Living Wage Foundation employer.	

11 SUPPORTING INFORMATION:

11.1 Government has sought to encourage transparency on remuneration and as such every council is required to prepare and adopt a Pay Policy Statement and have that statement approved by Council. The Pay Policy Statement must contain the policy for the remuneration of the council's employees on appointment, subsequent progression and any use of bonus or performance related pay. There are specific requirements as to the appointment of Chief Officers set out in the council's Constitution. The Pay Policy Statement sets

out the approach to the remuneration of Chief Officers on their ceasing to hold office or to be employed by the authority.

- 11.2 The Localism Act 2011 (“The Act”) requires councils to define ‘lowest paid employees’, to consider the relationship between the remuneration of the highest and lowest paid and to explain the rationale for their approach and to publish details of pay relativities to encourage fairness in remuneration.
- 11.3 The Pay Policy Statement 2021/22 does not contain any substantial changes to those considered previously with the following exception: the government enacted the Public Sector Exit Payment Regulations on 4th November 2020. This means that the council cannot pay more than £95,000 in exit pay costs when an employee leaves the council for any reason. This covers redundancy; settlement agreements and early retirement.
- 11.4 The costs include redundancy payments and ‘pension strain’ costs (the charge to the council by the Hampshire Pension Fund for allowing an employee to take accrued pension without an age related actuarial reduction). The issue of whether ‘pension strain’ should be in the regulations is subject to judicial review. The Exit Pay Regulations allow councils to apply to the government for a waiver if they wish to pay more than £95,000 following a decision of full council. Therefore the Pay Policy Statement adds the need for a waiver if costs exceed £95,000 under the sections on redundancy payments; settlement payments; and early retirements. If the judicial review is successful these references will be removed for redundancy and early retirement exit payments.
- 11.5 The Pay Policy Statement sets principles and rules relating to the remuneration of senior employees. It does not set out the details of individual payments made in accordance with these principles – although there are separate requirements for the publication of payments made to senior staff in the annual statement of accounts.

12 KEY POLICY ISSUES

- 12.1 There are a number of matters to note in the attached Pay Policy Statement:
- a) The Policy uses the term “Chief Officers” to identify senior employees, or those in receipt of the highest remuneration. This reflects a requirement in the Act, where the definition covers a number of senior posts which for Winchester City Council equates to senior posts paid at Scale 10 and above. The Policy recommends the current practice of adopting national pay schemes and job evaluation procedures as a basis for determining remuneration, and so which posts cross the threshold for consideration under the Pay Policy.
 - b) The definition of “lowest paid employees”, required to show pay relativities, draws on Scale 2 of the pay scales. The ratio of remuneration for highest to lowest paid is under 10:1 – the benchmark set by Government.

- c) The City Council is a 'Living Wage Employer' which means that a nationally agreed minimum hourly rate of pay is applied to directly employed employees.
- d) The Policy also covers increases and additions to remuneration for example, bonus payments. This is already covered by our adopted pay scheme and policies on annual incremental increases, which the Policy refers to. The Policy also makes clear at present the council has not adopted performance related pay or a system of bonus payments, and sets out the policy on payment of honoraria.
- e) There is transparency on payments to those leaving employment, and so the Act requires the council to publish a policy on severance payments.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

NONE

Other Background Documents:-

The Restriction of Public Sector Exit Payment Regulations 2020 (referred to as "The Exit Pay Cap legislation" in the Pay Policy Statement)

APPENDICES:

Appendix 1 – Pay Policy Statement 2021/22

Appendix 1

Winchester City Council Pay Policy Statement – Financial Year 2021/22

1. Purpose

- 1.1 This Pay Policy Statement is provided in accordance with Section 38(1) of the Localism Act 2011 and will be updated annually from 1 April each year.
- 1.2 The Pay Policy Statement sets out Winchester City Council's policies relating to the remuneration of its workforce for the financial year 2021/22, in particular:
- the remuneration of its Chief Officers
 - the remuneration of its "lowest paid employees"
 - the relationship between:
 - the remuneration of its Chief Officers and
 - the remuneration of its employees who are not Chief Officers
- 1.3 The purpose of the statement is to provide an open and transparent framework that ensures clarity, fairness and consistency in the remuneration of Chief Officers. It also ensures that employees at all levels of the council are paid on a fair and equitable basis in accordance with equality legislation.

2. Definitions

- 2.1 For the purpose of this statement the following definitions will apply:
- 2.2 "**Remuneration**" in addition to salary will also include charges, fees, allowances, benefits in kind, increases in/enhancements to pension entitlements, and termination payments.
- 2.3 "**Chief Officer**" refers to the Statutory Chief officers (Head of Paid Service, Monitoring Officer and S151 Officer) and to Strategic Directors.
- 2.4 "**Lowest paid employees**" refers to those employed on Grade 2 of the council's pay framework.
- 2.4.1 The above definition for the "lowest paid employees" has been adopted because Grade 2 is the lowest grade on which employees are paid within the council's pay framework.
- 2.4.2 Those engaged on Casual Worker Agreements are paid a fixed hourly rate in line with the voluntary UK Living Wage. They are excluded from the definition of "lowest paid employees".

- 2.5 **“Employee who is not a Chief Officer”** refers to all employees that are not covered under the “Chief Officer” group above. This includes the “lowest paid employees” i.e. employees on Grade 2.

3. Pay Framework and Remuneration Levels

3.1 General Approach

- 3.1.1 Remuneration for all employees needs to be at the appropriate level to secure and retain high-quality employees dedicated to fulfilling the council’s business objectives and delivering services to the public. This has to be balanced by ensuring remuneration is proportionate and appropriate for the role. Each council has responsibility for balancing these factors and faces its own unique challenges and opportunities in doing so. It is important that Winchester City Council retains flexibility within its pay framework to cope with a variety of circumstances that might necessitate the use of market supplements or other such mechanisms for individual categories of posts where appropriate. Using such solutions should only be short term and regular reviews should ensure that they are discontinued when circumstances change.

3.2 Responsibility for Decisions on Remuneration

- 3.2.1 It is essential for good governance that decisions on remuneration and reward packages for the Chief Executive and Chief Officers are made in an open and accountable way and that there is a verified and accountable process for recommending the levels of top salaries.
- 3.2.2 Remuneration for employees at all grades is based on the national agreements on pay as follows:
- National Joint Council for Local Government Services
 - Joint Negotiating Council for Chief Officers
 - Joint Negotiating Council for Chief Executives.
- 3.2.3 Remuneration packages above £100,000 gross per annum must be considered by cabinet, with a recommendation to full council.

3.3 Salary grades and grading framework

- 3.3.1 Grades for all posts are determined by a consistent job evaluation process. This followed a national requirement for all Local Authorities and other public sector employers to review their remuneration and grading frameworks to ensure fair and consistent practice for different groups of workers with the same employer.
- 3.3.2 Job Evaluation is a systematic process for ranking jobs within an organisation ensuring consistency of approach and outcomes appropriate to the complexity and accountability of the role. Where the grade of a post

changes as a result of the job evaluation process, any pay adjustment will only be backdated to the date on which the role was considered by a Job Evaluation Panel.

- 3.3.3 The council's pay structure is based on the pay spine issued by the National Joint Council (NJC) as part of the National Agreement for Local Government Services. Roles are placed within the pay structure on the basis of the evaluated grade of their role.
- 3.3.4 Incremental spinal column points provide for progression in role with the acquisition of skills, experience and competence (subject to satisfactory performance).
- 3.3.5 Pay awards are applied in line with the national agreements detailed in 3.2.2 on an annual basis for all employees, in conjunction with the nationally recognised trade unions.

3.4 Market Review and Market Supplements

- 3.4.1 The council will from time to time, benchmark its remuneration and benefits by comparing a sample of posts. For the purpose of benchmarking and market testing the comparator group comprises public sector authorities in Hampshire, West Sussex and Surrey and authorities in other areas if relevant, who are similar to the council in terms of size (number of employees and population) and similar relevant factors. Jobs within London Boroughs will not be used for comparator purposes due to London weighting allowance. In exceptional circumstances, other external market pay data, including private sector data, will also be considered where relevant.
- 3.4.2 Where the benchmarking exercise highlights a discrepancy in remuneration, following consideration of a report made to the Executive Leadership Board a market supplement may be awarded, subject to annual review.
- 3.4.3 Decisions relating to awarding a market supplement for the Chief Executive will be referred to cabinet, with a recommendation to full council.

4. Remuneration

- 4.1 Remuneration details including benefits in kind are set out in the council's published Annual Statement of Accounts.
- 4.2 "**Chief Officers**", as defined in paragraph 2.3 of this statement, are paid within the council's pay framework which applies to all other employees. Typically, Chief Officers have received the same percentage pay award as other managers and employees within the council.
- 4.4 "**Lowest paid employees**"

- 4.4.1 Winchester City Council is an accredited Living Wage Employer. The Living Wage is paid voluntarily and is set to avoid poverty wages and support the principle that workers should be paid at a level which enables them to achieve an acceptable standard of living. The lowest paid employees are paid within the salary range for Grade 2 which covers five salary points ranging between £17,894 - £19,312.
- 4.4.2 The lowest paid employees do not include apprentices for whom there are separate remuneration arrangements.

4.5 Honoraria and Additional Responsibilities

- 4.5.1 All employees are expected to perform any other duties commensurate with their job grade as reasonably required from time to time. However, there may be occasions where an employee agrees to take on additional duties and responsibilities that may be at the same level of their substantive grade but are beyond the reasonable scope of their normal job remit. In such circumstances, subject to approval from the Executive Leadership Board, an honorarium payment may be awarded. Honoraria should not normally exceed £500, or the value of no more than 2 incremental points, whichever is greater.
- 4.5.2 The appropriate Strategic Director, in consultation with ELB, may award an “acting up” allowance where an employee takes on temporary increased responsibility.
- 4.5.3 The amount awarded should reflect the nature and duration of the work or responsibility. Where the employee has been covering the long term absence of a more senior officer, “acting up” payments are calculated based on the difference between the employee’s scale point and the bottom scale point of the role they are covering. Temporary acting-up arrangements of this nature will not exceed more than 12 months duration and should generally be undertaken for at least one month before payment will apply.

4.6 Charges, fees or allowances

- 4.6.1 No fees for election duties are included in the salaries of Chief Officers. Any additional fees payable for such responsibilities are calculated in accordance with the statutory rules and associated guidance which is published by Government.
- 4.6.2 Special fees are paid for Returning Officer duties which are not part of the post holder’s substantive role. These fees are payable as required and can be made to any senior officer appointed to fulfil the statutory duties of this role.
- 4.6.3 The Returning Officer is an officer of the City Council who is appointed under the Representation of the People Act 1983. Whilst appointed by

the City Council, the role is one which involves and incurs personal responsibility and accountability and is statutorily separate from their duties as an employee of the council. The Returning Officer is paid a separate allowance for each election for which they are responsible.

- 4.6.3 Where the council's Monitoring Officer or S151 Officer is not a Chief Officer, a special responsibility allowance of £3,000 gross per annum is paid in recognition of the additional requirements of the statutory role.
- 4.6.4 Any allowance or other payment will only be made to an employee in connection with their role or the patterns of hours they work and must be in accordance with the council's employment policies.
- 4.6.5 Where the council offers voluntary benefits e.g. childcare vouchers and employee discount schemes, they are offered to all employees regardless of their role and grade within the council.

4.7 Performance related pay

- 4.7.1 Performance is reviewed annually through the council's appraisal system and the council reserves the right to withhold increments where performance has not met the required standard and where this has been raised with the employee formally. Beyond annual increments awarded in this way, the council does not offer performance related pay to any employee.
- 4.7.2 Subject to approval from the appropriate Corporate Head of Service and Strategic Director, an employee may receive more than 1 increment in any financial year.

4.8 Pension

- 4.8.1 All employees, as a result of their employment, are eligible to join the Local Government Pension Scheme (LGPS).
- 4.8.2 In addition to the employee's own contribution, the council makes a contribution of 16.1% towards the pension of each member of the LGPS scheme¹.

4.9 Remuneration on appointment and promotion

- 4.9.1 The starting salary on appointment or following promotion will normally be based on the appointee's level of relevant experience and current salary, regardless of whether they are a current employee of Winchester City Council.

¹ In addition to the 16.1% contribution there is also an additional payment for the capital contribution for past service that the Council pays, along with all other members of the Hampshire Pension Fund. In recent years, there has been an annual increase of 1% on the employer contribution.

- 4.9.2 The chair of the recruitment panel has the discretion to determine the appropriate spinal column point within the agreed pay scale but the starting salary should not exceed the mid-point of the pay scale. In exceptional circumstances (e.g. the current salary is higher than the mid-point of the scale), the Service Lead: Human Resources or in their absence, the HR Manager: People, may authorise appointment on a spinal column point which is higher than the mid-point of the scale.

5. Relationship between Remuneration of “Chief Officers” and “Employees who are not Chief Officers”

- 5.1 It is the policy of the council to ensure that the ratio of the salary of the highest paid officer and the lowest paid officer is below the 10:1 ratio recommended as a maximum in the terms of reference for the 2011 Hutton review of Fair Pay in the Public Sector.

- 5.2 As at 1st April 2019, pay ratios within the council stand as follows:

Highest: lowest = 6.6:1

- 5.3 This is based on the following salary packages:

- Highest paid annual salary = £126,814
- Lowest paid (minimum grade 2) = £19,312

6. Benefits in kind

- 6.1 The council pays professional fees for officers where it is an essential requirement for the post holder to maintain professional accreditation. Only one set of professional fees are paid per annum.
- 6.2 The council offers a Health Care Cash Plan scheme which is available to all employees regardless of their role and grade within the council.
- 6.3 A Park and Ride pass is offered to all employees.
- 6.4 Officer who are designated as “Essential Car Users” are issued with a permit for one of the car parks nearer to the council offices to enable them to meet the specific operational requirements of their role.

7. Termination Payments

- 7.1 Payments made on termination of employment are limited to those expressly required or allowed by law. In accordance with the council’s Constitution, termination payments which exceed £100,000 (regardless of the post to which they apply and the reasons for the payment) require approval from full council. The recommendation, if approved, would then need to be submitted to government for approval as a waiver to the Exit Pay Cap legislation.

8. Access to Pension Payments

- 8.1 In some circumstances, an employee may be eligible to access their pension on termination of employment.
- 8.2 The LGPS requires employers to prepare and publish a written statement of policy in relation to the payment of pensions. The council's policy on pensions (and related discretionary payments) is set out in **Annex A** of this document.

9. Redundancy Payments

- 9.1 The calculation of redundancy payments is based on the provisions of Employment Rights Act 1996 and may be subject to revision should this legislation be amended.
- 9.2 Redundancy payments are based on a ratio of completed years' service and the employees' age at the effective date of termination, using a multiplier of 1.6. Completed years' service will be capped at 20 years and the maximum of 48 weeks' pay will apply. The council uses the employee's actual contractual pay to calculate redundancy payments. If redundancy payments exceeded £95,000 the payment would need to be approved by full council and, if approved, would then need to be submitted to the Government for approval as a waiver to the Exit Pay Cap legislation.

10. Settlement Agreements

- 10.1 In exceptional circumstances, and specifically to settle an employment tribunal claim or similar significant dispute, the Corporate Head of Resources can agree payment of a settlement up to £10,000.
- 10.2 In such cases, each decision as the level of payment will be taken on its merits. Where the proposed termination payment exceeds £10,000, approval from the Section 151 Officer and one other Chief Officer is required.
- 10.3 In accordance with the council's constitution, settlement payments which exceed £100,000 (regardless of the post to which they apply) require approval from full council. A settlement agreement payment exceeding £95,000 if approved, would then need to be submitted to government for approval as a waiver to the Exit Pay Cap legislation.

11. Re-employment of officers

- 11.1 When an employee is dismissed on the grounds of redundancy or early retirement with the employer's consent, the council will not re-employ them for a period of 12 months following the termination.

12. Data Transparency

- 12.1 Under the Local Government Transparency Code 2014, remuneration information and a list of responsibilities for employees paid over £50,000 must be published. This information is available on the council's external website. Senior employees' remuneration can also be found in the annual Statement of Accounts.

Annex A

Pensions Discretions Policy Statement

The Local Government Pension Scheme Regulations 2013 and Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014

1. Introduction

- 1.1 This policy statement is made in accordance with Paragraph 60 of the Local Government Pension Scheme Regulations 2013 and Paragraph 2 (2) of Schedule 2 of the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014.
- 1.2 It sets out how Winchester City Council will apply discretionary provisions available within those Regulations.
- 1.3 This policy applies to all employees of Winchester City Council who are members of the Local Government Pension Scheme. It does not apply to Elected Members of the council.
- 1.4 In formulating and reviewing its policy, the council:
 - has regard to the extent to which the exercise of discretionary powers, unless properly limited, could lead to serious loss of confidence in the public service; and
 - is satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

2. Purpose of this Policy

- 2.1 This policy aims to provide fairness and consistency in situations where the council is agreeing to the release of accrued pension benefits.

3. Flexible Retirement – Regulations 30 (6) and 30 (8) (2013 Regulations)

- 3.1 The Pension Scheme allows for flexible retirement from age 55 with the payment of all or part of accrued pension benefits in situations where the employer agrees to the hours of work or the level of responsibility being reduced **and** to the release of pension benefits. In most cases, the pension benefits will be reduced if taken before normal retirement age.

- 3.2 Flexible retirement can benefit both the employee through enabling a gradual adjustment to retirement and the council through the ability to retain valuable experience and knowledge; it also increases the opportunity for succession planning and reflects the ethos of flexible working.
- 3.3 The council will consider all requests for flexible retirement in response to written requests from eligible employees.
- 3.4 The council will approve requests only where it is their interests to do so; where there is no adverse impact on the service; where the costs are affordable or where there are likely to be cost savings achieved as a result of the proposal.
- 3.4 A request should typically involve a substantial reduction of at least 40% in remuneration, either through reduced hours or level of responsibility.
- 3.5 Requests for flexible retirement will be considered by the Executive Leadership Board. Where a request for flexible retirement is from a Chief Officer, the decision will be made by the Chief Executive. Requests for flexible retirement from the Chief Executive will require approval from full council.

4. Awarding Additional Pension – Regulation 31(2013 Regulations)

- 4.1 The council will not make use of the provision to award additional pension.
- 4.2 This discretion is therefore not exercised.

5. Shared Cost Additional Voluntary Contributions (SCAVC) and Shared Cost Additional Pension Contributions (SCAPC) – Regulations 16(2) (e) and 16(4) (d) (2013 Regulations)

- 5.1 The Council will exercise discretion to allow Local Government Pension Scheme Members to contribute to a shared cost salary sacrifice additional voluntary contribution scheme.
- 5.2 The Council will not exercise its discretion to allow Local Government Pension Scheme Members to contribute to a Shared Cost Additional Pension Contributions Scheme.

6. Discretion to “switch on” the 85 year rule for 55 year olds and older but before the age of 60 – Para 1(1) (c) Schedule 2 of the 2014 Regulations

- 6.1 The Council will only exercise this discretion where there is a business reason to do so and where any costs associated with the discretion are affordable and sustainable to the council. Requests will be considered by the Executive Leadership Board.

7. Waiving Reduction due to Early Payment of Pension – Regulation 30 (8) (2013 Regulations)

- 7.1 Employees can retire from age 55 and receive immediate payment of their pension benefits however the pension benefits payable will be subject to an actuarial reduction.
- 7.2 The council will exercise the discretion to waive the actuarial reduction where Regulation 30 (7) is applicable (that is where employment is terminated on the grounds of redundancy or in the interest of business efficiency) subject to the Exit Pay Cap legislation.
- 7.3 The council will exercise this discretion only where there is a business reason to do so and where any costs associated with the discretion are affordable and sustainable to the council. Requests will be considered by the Executive Leadership Board and will be subject to the Exit Pay Cap legislation.

8. Early Payment of Deferred Pension Benefits – Regulation 30 of the LGPS (Benefits, Membership and Contributions) Regulations 2007

- 8.1 The council will not normally exercise this discretion but may consider it in exceptional circumstances where any costs associated with the discretion are affordable and sustainable to the council.
- 8.2 Requests will be considered by the Executive Leadership Board

9. Transfer of Pension Rights – Regulation 100 (6) (2013 Regulations)

- 9.1 The Regulations permit the employer to extend the normal time limit (currently 12 months) during which a scheme member may transfer service from a previous employer.
- 9.2 The council will not make use of the provision to extend the normal time limit.
- 9.3 This discretion is therefore not exercised.

10. Aggregation of Membership - Regulations 22, 7(b) 8(b) (2013 Regulations)

- 10.1 If a member has previous LGPS membership, the Regulations allow for them to make a decision about whether it is combined with their new LGPS membership.
- 10.2 Any such decision to maintain separate pension benefits must be made within 12 months of becoming an active member.
- 10.3 The Regulations permit the employer to extend the normal timescale.
- 10.4 The council will not make use of the provision to extend the normal time limit.
- 10.5 This discretion is therefore not exercised.

11. Other Discretions

- 11.1 With the exception of the discretions set out in this policy statement, the council will not exercise any pension discretions pursuant to the 2013 and 2014 Regulations.

12. Review of the Policy

- 12.1 This policy will be reviewed by Human Resources annually.

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