

Pay Policy Statement

2020/2021



Version Control

This document is intended for:

- Council staff only School-based staff only Council & School-based staff

Version	Key Changes	Approved By
2020/21	New policy for 2020/2021	Council

This document may be reviewed and amended at any time and without consultation in response to legal requirements, in line with best practice or in response to an organisational requirement and where the changes do not affect the spirit or intent of the document.

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1. Introduction from the Leader of the Council & Managing Director

Blaenau Gwent County Borough Council recognises the interest in public sector pay and is committed to being open, transparent and accountable. As the Leader of the Council and Managing Director we want to ensure that our council tax payers have access to information about how we pay staff.

The Council is one of the largest employers in the area and it is important that we offer good quality employment on reasonable terms and conditions and fair rates of pay. This has a beneficial impact on the quality of life within the community as well as on the local economy.

We are committed to providing quality services which offer value for money and this Pay Policy Statement seeks to ensure we can attract, retain and motivate the best employees with the right skills.

The Council is committed to taking an open and transparent approach to pay and will publish a Pay Policy Statement annually on the Council's intranet and website.



A handwritten signature in black ink that reads "Nigel Daniels".

Councillor Nigel Daniels
Leader of the Council



A handwritten signature in black ink that reads "Michelle Morris".

Michelle Morris
Managing Director

2. Purpose

- 2.1 Under Section 112 of the Local Government Act 1972 the Council has the power “to appoint officers on such reasonable terms and conditions as the Council thinks fit”. This Pay Policy Statement sets out the Council’s approach to Pay in accordance with the requirements of Section 38 - 43 of the Localism Act 2011 and with regard to the Welsh Government guidance 'Pay Accountability in Local Government in Wales' issued in May 2017. The purpose of this Pay Policy Statement is to provide transparency in relation to the Council’s approach to setting the pay of its workforce, particularly its senior staff (or ‘chief officers’) and its lowest paid employees. Local Authorities are required to produce and publish a Pay Policy Statement for each financial year detailing:
- The Council’s policies in relation to all aspects and elements of the remuneration of Chief Officers;
 - The approach to the publication of and access to information relating to all aspects of the remuneration of Chief Officers;
 - The Council’s policies in relation to the remuneration of its lowest paid employees (including the definition adopted and reasons for it);
 - The relationship between the remuneration of Chief Officers and other employees.
- 2.2 The Council is a large complex organisation with a multi-million pound budget providing and/or commissioning a wide range of essential services. The general approach to remuneration levels may, therefore, differ from one group of employees to another to reflect specific circumstances at a local, regional or national level. It will also need to be flexible, when required, to address a variety of changing circumstances, whether foreseeable or not.
- 2.3 The Council will develop an annual Pay Policy Statement and will seek to align reward systems with business objectives. As required by legislation, following approval by Full Council this Pay Policy Statement will come into immediate effect and will be subject to review on a minimum of an annual basis in accordance with the relevant legislation and guidance prevailing at the time.

3. Legislative Framework

- 3.1 In determining the pay and remuneration of its employees, the Council will comply with all relevant employment legislation.
- 3.2 With regard to the Equal Pay requirements contained within the Equality Act 2010, the Council, through the use of an equality proofed Job Evaluation scheme for staff under the National Joint Council for Local Government Services (NJC) terms and conditions which directly relates salaries to the requirements, demands and responsibilities of the role, will aim to ensure that there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified.

4. Scope of the Policy

- 4.1 The Localism Act 2011 requires Authorities to develop and make public their Pay Policy Statement on all aspects of Chief Officer remuneration and that pertaining to the 'lowest paid' in the Council, explaining the relationship between the remuneration for Chief Officers and other groups.
- 4.2 The provisions in the Localism Act 2011 do not apply to the staff of local authority schools and as such they are not included within the scope of this Pay Policy Statement.
- 4.3 The provisions of the Localism Act 2011 do not detract from the Council's autonomy in making decisions on pay that are appropriate to local circumstances and which deliver value for money for local taxpayers.

5. Key Principles

5.1 Transparency, accountability and value for money

5.1.1 The Council is committed to an open and transparent approach to its Pay Policy Statement which will enable the taxpayer to access, understand and assess information on remuneration levels across all groups of Council employees. The following are attached as appendices:

- Appendix 1: Local Government Services Employees Pay Scales
- Appendix 2: Chief Officer Pay Scales
- Appendix 3: Soulbury National Pay Scales
- Appendix 4: Annual Leave and Holiday Pay – A Manager's Guide
- Appendix 5: Retirement Options Policy
- Appendix 6: Local Government Pension Scheme Regulations 2013 Statement Of Policy - Exercise Of Discretionary Functions
- Appendix 7: Redundancy Policy
- Appendix 8: In the Interests of the Efficiency of the Service Policy

5.2 Development of a Pay and Reward Strategy

5.2.1 The primary aim of a reward strategy is to attract and retain suitably skilled employees so that the Council can perform at its best. The biggest challenge for the Council in the current circumstances is to maximise productivity and efficiency within current resources. The Pay Policy Statement is therefore a matter of striking an often difficult balance between setting appropriate remuneration levels which will facilitate a sufficient supply of appropriately skilled individuals to fill the Council's wide range of roles, and ensuring that the burden on the taxpayer and a financially challenged organisation does not become greater than can be fully and objectively justified.

- 5.2.2 In this context, it does need to be recognised that, in particular, remuneration levels at the more senior grades need to enable the Council to attract a suitably wide pool of talent from which to recruit, often when in competition with other public and private sector employers from outside, as well as within, Wales. Remuneration levels are also important in retaining suitably skilled and qualified individuals once in post. The Council has an Organisational Development Strategy 2015-2020 with a dedicated theme on Pay and Reward aiming to ensure that pay and conditions of service are modern, flexible, sustainable and affordable. This Strategy is currently under review and will consider pay and reward under broader organisational workforce themes.
- 5.2.3 In addition, the Council is a major employer in the area and as such it must have regard to its role in the economic well-being of the people of Blaenau Gwent. The Council also has a role in setting standards on pay and conditions to other employers in the area for similar reasons.
- 5.2.4 In designing, developing and reviewing its Pay Policy Statement, the Council will seek to balance the above factors appropriately to maximise outcomes for the organisation and the community it serves, while managing pay costs and maintaining sufficient flexibility to meet future needs.

6. Pay Structure

- 6.1 The Council uses the nationally negotiated pay spine referred to as the National Joint Council for Local Government Services (NJC) as the basis for its local grading structure. This determines the salaries of the large majority of the workforce. The NJC two year national pay deal for 2018/19 and 2019/20 which included a new pay spine from 1 April 2019 is in place and a new pay deal is currently being negotiated for 2020/21.

A locally revised pay and grading structure for employees employed under the National Joint Council for Local Government Services was implemented on 1 April 2019, which consisted of:

- 11 bands - Grades 1-11
- Each grade providing the opportunity for incremental progression
- Overlapping spinal column points on certain grades

A copy of the pay scales effective from 1 April 2019 is attached at appendix 1.

We are currently awaiting the outcome of the pay negotiations for 2020/21.

- 6.2 In addition to the NJC arrangements referred to above, the Council recognises other nationally negotiated arrangements including the JNC for Chief Executives, Chief Officers and the Soulbury Agreement. The details of which are outlined in appendices 2 and 3.
- 6.3 In line with TUPE regulations some staff from merged organisations may retain their former employer's terms and conditions of service. Such arrangements would be outside of the Council's Collective Bargaining arrangements.

- 6.4 All other pay related allowances such as overtime and standby are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining and/or as determined by Council Policy.
- 6.5 New appointments will normally be made at the minimum point of the relevant grade, although this can be varied where necessary due to business or market conditions to secure the best candidate.

7. Job Evaluation

- 7.1 Job evaluation is a systematic way of determining the value/worth of a job in relation to other jobs within an organisation. The remuneration for staff on NJC for Local Government Services terms and conditions is determined by an ongoing analytical job evaluation scheme. The scheme used is the Greater London Provincial Council scheme (GLPC) and it is the most commonly used scheme amongst local authorities in Wales. The scheme was implemented with effect from 1 April 2012 as part of the Council's Single Status Agreement.
- 7.2 The concept of equality was central to the Pay and Grading Structure and the changes to terms and conditions were subject to an Equality Impact Assessment (EIA) by Northgate as part of the Council's pay modelling and negotiations with the Trade Unions.

8. Honoraria and Secondment

- 8.1 There may be occasions when an employee is asked to act up into a post at a higher grade or where they carry out additional duties over and above that of their substantive post for a period of time. In such circumstances an additional payment may be granted in line with the Council's Policy. This Scheme is applicable for all employees.

9. Market Supplements

- 9.1 Job evaluation enables the Council to set appropriate remuneration levels based on internal job size relativities within the Council. However, from time to time it may be necessary to take account of the external pay market in order to attract and retain employees with particular experience, skills and capacity. In these circumstances the Council's Market Supplement Policy will apply. In exceptional circumstances outside the policy it will be a matter for Council's consideration.

10. Accountability and Decision Making

- 10.1 In accordance with the statutory requirements and the Constitution of the Council, policies relating to the recruitment, pay, terms and conditions of employees of the Council, except teachers, are the responsibility of the Council.

11. Chief Officer Remuneration

11.1 Definition of Chief Officer and Pay Levels

11.1.1 For the purposes of this statement, 'Chief Officers' are as defined within Section 43 of the Localism Act. The posts falling within the statutory definition are set out below. The pay and grading structure for these posts is attached at appendix 2.

Post	Range	Salary (1/4/19)	Comments
<ul style="list-style-type: none"> Managing Director/Head of Paid Service 	JNC CE	£98,739 £101,215 £103,684 £106,149 £106,486	
<ul style="list-style-type: none"> Corporate Director of Social Services Corporate Director of Education* Corporate Director of Regeneration & Community Services 	JNC CO	£80,046 £82,051 £84,052 £86,047 £88,048	Statutory and Non Statutory Chief Officers directly reporting to the Managing Director. *Interim Structure in place and Market Supplement for Corporate Director removed.
<ul style="list-style-type: none"> Chief Officer – Commercial Chief Officer – Resources (Statutory 151 Officer) 	JNC 5	£71,180 £72,964 £74,744 £76,516 £78,297	Statutory and Non Statutory Chief Officers directly reporting to the Managing Director.
<ul style="list-style-type: none"> Head of Children's Services Head of Adult Services 	JNC 5	£71,180 £72,964 £74,744 £76,516 £78,297	Directly reporting to Corporate Director of Social Services.
<ul style="list-style-type: none"> Head of Legal & Corporate Compliance (Monitoring Officer) Head of Education Transformation Head of Community Services Head of Regeneration & Development Head of Governance & Partnerships (Head of Democratic Services) Head of Organisational Development 	JNC 3	£62,036 £63,588 £65,143 £66,690 £68,238	Directly reporting to Statutory and Non Statutory Chief Officers.
<ul style="list-style-type: none"> Service Manager Inclusion Service Manager Accountancy 	JNC 2	£56,032 £57,437 £58,835 £60,234 £61,635	Directly reporting to Statutory and Non Statutory Chief Officers.
<ul style="list-style-type: none"> Service Manager Public Protection* Service Manager Performance & Democratic Service Manager Policy & Partnerships Service Manager Transformation & Digital (Vacancy) Service Manager Customer Experience & Benefits Service Manager Revenues & Charging Assessments. 	JNC 1	£50,031 £51,283 £52,535 £53,780 £55,031	*The Service Manager Public Protection is in receipt of annual honoraria payment of £6,606 in addition to normal salary for undertaking additional responsibility.

- 11.1.2 The Council employs Chief Officers under JNC terms and conditions which are incorporated within their contracts. The JNC for Chief Executives and Chief Officers negotiates on national (UK) annual cost of living pay increases for this group and any award of the same is determined on this basis. Chief Officers employed under JNC terms and conditions are contractually entitled to any national JNC determined pay rises and this Council will therefore pay these as and when determined, in accordance with current contractual requirements. Any other proposal to determine or vary the remuneration of Chief Officers (or those to be appointed as Chief Officers) must be approved by Full Council.
- 11.1.3 The Local Government (Democracy) (Wales) Act 2013 provides an Independent Remuneration Panel for Wales (IRP) with powers to make recommendations in relation to any policy in an authority's Pay Policy Statement which relates to the salary of the Head of the Paid Service (Managing Director), or any proposed change of salary of the Head of the Paid Service. The Council must therefore consult the IRP about any proposed changes to the salary of the Head of Paid Service (except one which is commensurate to a change affecting the authority's other staff more generally) and have regard to their recommendations. The Welsh Local Government Association will notify the Independent Remuneration Panel of national pay awards on behalf of the Council.
- 11.1.4 The Local Government (Wales) Act 2015 temporarily extends the power of the IRP, under section 143A of the Local Government (Wales) Measure 2011 to cover salaries payable to Chief Officers (using the Localism Act definition) as well as Heads of Paid Service. If the authority chooses not to follow the advice of the Panel it may become subject to a Ministerial direction to reconsider the position. The Act also allows authorities to reduce (but not increase) the salary payable to the Head of Paid Service in advance of a recommendation from the IRP, so long as the contract under which the salary is payable does not prevent the authority from changing the salary after receiving a recommendation. During 2019/20, there has been no requirement for the Council to make a referral to the IRP.
- 11.1.5 In addition to agreeing the parameters for setting the pay of Chief Officers, Full Council will be given the opportunity to approve salary packages for any new posts that come within the scope of this Pay Policy Statement and as defined within the Act as being £100,000, or greater, per annum. For this purpose, salary packages will include salary, bonuses, allowances routinely payable, any expenses/allowances chargeable to UK income tax, any other benefits in kind to which the officer is entitled as a result of their employment and any increase in or enhancement of the Chief Officer's pension entitlement where the increase or enhancement is as a result of a resolution of the Council.
- 11.1.6 No bonus or performance related pay mechanism is applicable to the Managing Director or Chief Officers' pay; although an increment is awarded annually up to the maximum of the scale for the post.

11.2 Recruitment of Chief Officers

11.2.1 The Council's policy and procedure in relation to the recruitment of Chief Officers is set out in the Council's Constitution. When recruiting to these posts the Council will take full and proper account of its Equality of Opportunity Policy. The determination of the remuneration to be offered to any newly appointed Chief Officer will be in accordance with the pay structure and relevant policies in place at the time of recruitment.

11.2.2 Where the proposed remuneration of a Chief Officer's post is £100,000 or greater, per annum it will be publicly advertised externally, as set out in the Local Authorities (Standing Orders) (Wales)(Amendment) Regulations 2014. There is however a facility within the regulations to make temporary appointments of up to 12 months, without the need to advertise externally.

11.3. Additions to Salary for Chief Officers

11.3.1 The Council does not apply any bonuses or performance related pay to its Chief Officers.

11.3.2 The Council does pay all reasonable travel and subsistence expenses on production of receipts and in accordance with JNC and local conditions. The Council pays the HMRC recommended mileage rate of 45p per mile.

11.3.3 Annual leave and bank holiday entitlements can be found in appendix 4.

11.3.4 The Council has a statutory duty to appoint a Returning Officer for specified Elections and Referenda. The Managing Director undertakes this role and is paid for discharging these functions in accordance with prescribed fees.

11.4 Payments on Termination for Chief Officers

11.4.1 The Council's approach to statutory and discretionary payments on termination of employment of Chief Officers (and all other employees), prior to reaching normal retirement age is set out within the following policies:

- Retirement Policy (appendix 5)
- Local Government Pension Scheme Regulations 2013 Statement Of Policy - Exercise Of Discretionary Functions (appendix 6)
- Redundancy Policy (appendix 7)
- In the Interests of the Efficiency of the Service Policy (appendix 8)

In line with Council's agreed Redundancy Policy, redundancy payments are based on actual weekly earnings up to a maximum spinal column point 46 (£930.90 per week as at 1 April 2019). Staff who do not have access to their Pension will receive a redundancy payment based on the statutory calculator multiplied by 2 up to a maximum of 60 weeks. Those who are able to access their Pension will receive a redundancy payment based on the statutory calculator up to a maximum of 30 weeks and will have immediate access to unreduced payment of their LGPS benefits.

The Council does not increase the total membership of active members of the pension scheme or award additional pension.

11.4.2 Where Chief Officers (definition in section 11.1.1) are terminated and are recommended to receive severance payments, of £100,000 or greater, the business case for this must go to Full Council for approval. Council Members must be made aware of any statutory or contractual entitlements due to the employee and the consequences of a non-approval by Council. The following components of a severance package will be included when determining whether the package exceeds £100,000:

- Salary paid in lieu
- Lump sum redundancy/severance payment and
- Cost to the authority of the strain on the pension fund arising from providing early access to an unreduced pension.

11.4.3 Decisions relating to any other payments falling outside the provisions or the relevant periods of contractual notice will be taken by those officers and Members authorised to do so by the Council's Constitution.

11.4.4 The Council will not normally re-employ or re-engage in any way a former employee who on ceasing to be employed by the Council is in receipt of a severance package or settlement. Only in exceptional cases would the Council consider re-engagement where the circumstances were supported by a critical business case.

12. Remuneration at the Lowest Level

12.1 The lowest paid persons employed under a contract of employment with the Council are employed on full time (37 hours) equivalent salaries in accordance with the minimum spinal column point currently in use within Grade 1 of the Council's grading structure. As at 1 April 2019, spinal column point 1 is £9.00 per hour (pending pay award for 2020/21) – incremental progression will also apply.

12.2 The Council runs an apprenticeship scheme and payments are made in line with the shared apprenticeship scheme.

12.3 The relationship between the rate of pay for the lowest paid and Chief Officers is determined by the processes used for determining pay and grading structures as set out earlier in this Pay Policy Statement.

13. The Foundation Living Wage

- 13.1 The Council agreed to implement the Foundation Living Wage with effect from 1 April 2018 and guaranteed that no member of staff in the Council will earn less than the Foundation Living Wage. The Foundation Living Wage is independently calculated each year by the Resolution Foundation and overseen by the Living Wage Commission. By paying the Living Wage employers are voluntarily ensuring that their employees can earn a wage which is enough to live on as determined by the Living Wage Foundation.
- 13.2 The UK Living Wage rate of £9.30 per hour will be implemented in line with the 2020/21 pay award and will be effective from 1 April 2020. This will be reviewed on an annual basis to ensure that no member of staff in the Council will earn less than the Foundation Living Wage.

14. Off Payroll Working in the Public Sector - IR35 Intermediaries Legislation

- 14.1 The Intermediaries Legislation ensures that individuals who work through their own or even another personal service company (PSC) pay employment taxes in a similar way to an organisation's own employees. This is relevant to those individuals providing services to the Council who if they were not engaged through a personal service company (PSC) or other intermediary would be employed by the Council directly.
- 14.2 This new measure, "Off-payroll working in the public sector" moves responsibility to the Council for deciding if the off-payroll rules for engagements in the public sector apply. This measure makes the Authority responsible for deducting and paying associated employment taxes and National Insurance Contributions (NICs) to HM Revenue and Customs (HMRC).
- 14.3 The legislation applies to all payments on or after 6 April 2017 regardless of when the contract started.

15. Pay Relativities within the Council

- 15.1 The statutory guidance under the Localism Act recommends the use of pay multiples as a means of measuring the relationship between pay rates across the workforce and that of senior managers, as included within the Hutton Report 'Review of Fair Pay in the Public Sector' (2011). The Hutton Report explored the case for a fixed limit on dispersion of pay through a requirement that no public sector manager can earn more than 20 times the lowest paid person in the organisation. The report concluded that the relationship to median earnings was a more relevant measure and the Government's Code of Recommended Practice on Data Transparency recommends the publication of the ratio between the highest paid salary and the median average salary of the whole of the Council's workforce.

15.2 The multiples of pay for Blaenau Gwent which will be published annually are set out below:

- (a) The multiple between the lowest paid full time equivalent employee and the Managing Director is 1:6.13
- (b) The multiple between the lowest paid employee and average Chief Officer is 1:3.99
- (c) The multiple between the median full time equivalent earnings (excluding teachers) and the Managing Director is 1:4.93
- (d) The multiple between the median full time equivalent earnings (excluding teachers) and average Chief Officer is 1:3.21

For comparison purposes, the multiples of pay for Blaenau Gwent quoted in the Pay Policy Statement 2019/20 are set out below:

- (a) The multiple between the lowest paid full time equivalent employee and the Managing Director is 1:6.37
- (b) The multiple between the lowest paid employee and average Chief Officer is 1:4.58
- (c) The multiple between the median full time equivalent earnings (excluding teachers) and the Managing Director is 1:4.95
- (d) The multiple between the median full time equivalent earnings (excluding teachers) and average Chief Officer is 1:3.56

16. Gender Pay Gap

16.1 We are an employer required by law to carry out Gender Pay Reporting under the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017.

16.2 The gender pay gap is an equality measure that shows the difference in average earnings between women and men.

16.3 The UK gender pay gap is just over 17% (2019).

16.4 At Blaenau Gwent County Borough Council we are confident that men and women are paid equally for doing equivalent jobs across the business. The gender pay gap at Blaenau Gwent County Borough Council shows that the workforce is predominantly female with women occupying a high percentage of jobs across all four pay quartiles. The pay gap in Blaenau Gwent is significantly lower than the national average and has further improved reducing from 2.94% at the lower (mean).

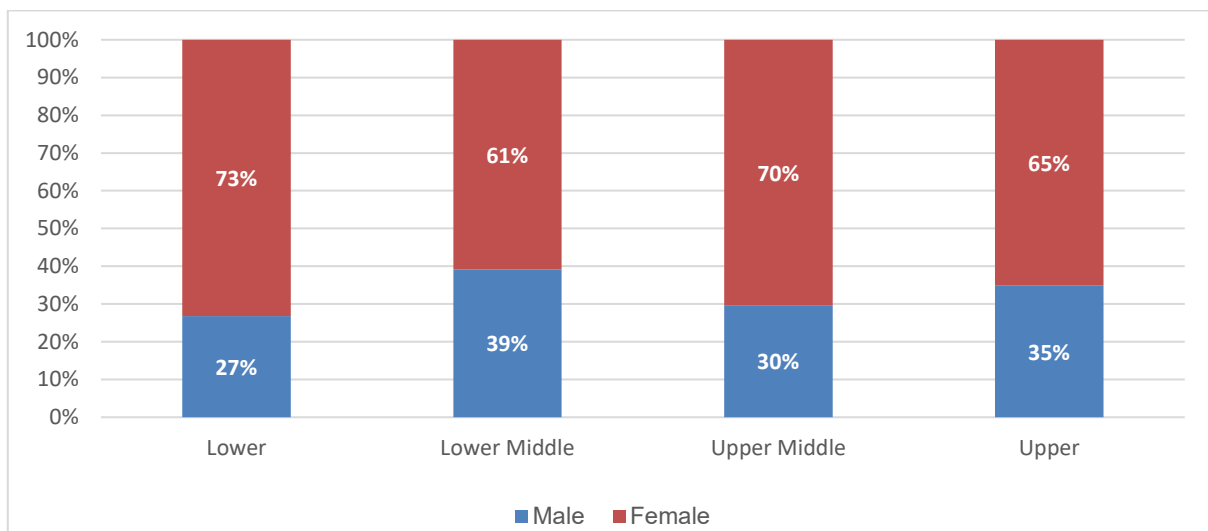
Gender Pay Gap Report – 31 March 2019
Hourly Rate – Gender Pay Gap

Women’s Hourly Rate is:	2.78% Lower (mean)	-0.51% Lower (median)
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Pay Quartiles – Gender Pay Gap

How many men and women are in each quarter of the employee’s payroll:

	Men	Women
Upper Quartile:	35%	65%
Upper Middle Quartile:	30%	70%
Lower Middle Quartile:	39%	61%
Lower Quartile:	27%	73%



17. Publication

- 17.1 Upon approval by Full Council, this statement will be published on the Council’s Website by..
- 17.2 The Council’s Annual Statement of Accounts contributes to the transparency on Council spend as it includes information on posts where the full time equivalent salary is at least £60,000.

18. Review of the Policy

- 18.1 This Policy outlines the current position in respect of pay and reward within the Council and it will be reviewed to ensure that it meets the principles of fairness, equality, accountability and value for money for the citizens of Blaenau Gwent. The Policy will be reviewed at least annually and reported to Full Council for approval in line with statutory requirements.

Pay and Grading Structure - 1st April 2019

Grade	New Spinal Point	Salary	Weekly	Monthly	Hrly rate
1	1	£17,364	£333.01	£1,447.00	£9.00
	2	£17,711	£339.66	£1,475.92	£9.18
2	2	£17,711	£339.66	£1,475.92	£9.18
	3	£18,065	£346.45	£1,505.42	£9.36
	4	£18,426	£353.38	£1,535.50	£9.55
3	4	£18,426	£353.38	£1,535.50	£9.55
	5	£18,795	£360.45	£1,566.25	£9.74
	6	£19,171	£367.66	£1,597.58	£9.94
4	7	£19,554	£375.01	£1,629.50	£10.14
	8	£19,945	£382.51	£1,662.08	£10.34
	9	£20,344	£390.16	£1,695.33	£10.54
	10	£20,751	£397.96	£1,729.25	£10.76
	11	£21,166	£405.92	£1,763.83	£10.97
	12	£21,589	£414.04	£1,799.08	£11.19
5	14	£22,462	£430.78	£1,871.83	£11.64
	15	£22,911	£439.39	£1,909.25	£11.88
	17	£23,836	£457.13	£1,986.33	£12.35
	18	£24,313	£466.28	£2,026.08	£12.60
	19	£24,799	£475.60	£2,066.58	£12.85
	20	£25,295	£485.11	£2,107.92	£13.11
6	21	£25,801	£494.81	£2,150.08	£13.37
	22	£26,317	£504.71	£2,193.08	£13.64
	23	£26,999	£517.79	£2,249.92	£13.99
	24	£27,905	£535.16	£2,325.42	£14.46
	25	£28,785	£552.04	£2,398.75	£14.92
	26	£29,636	£568.36	£2,469.67	£15.36
7	26	£29,636	£568.36	£2,469.67	£15.36
	27	£30,507	£585.07	£2,542.25	£15.81
	28	£31,371	£601.64	£2,614.25	£16.26
	29	£32,029	£614.25	£2,669.08	£16.60
	30	£32,878	£630.54	£2,739.83	£17.04
8	30	£32,878	£630.54	£2,739.83	£17.04
	31	£33,799	£648.20	£2,816.58	£17.52
	32	£34,788	£667.17	£2,899.00	£18.03
	33	£35,934	£689.15	£2,994.50	£18.63
	34	£36,876	£707.21	£3,073.00	£19.11
9	34	£36,876	£707.21	£3,073.00	£19.11
	35	£37,849	£725.87	£3,154.08	£19.62
	36	£38,813	£744.36	£3,234.42	£20.12
	37	£39,782	£762.94	£3,315.17	£20.62
	38	£40,760	£781.70	£3,396.67	£21.13
10	39	£41,675	£799.25	£3,472.92	£21.60
	40	£42,683	£818.58	£3,556.92	£22.12
	41	£43,662	£837.35	£3,638.50	£22.63
	42	£44,632	£855.96	£3,719.33	£23.13
11	43	£45,591	£874.35	£3,799.25	£23.63
	44	£46,572	£893.16	£3,881.00	£24.14
	45	£47,562	£912.15	£3,963.50	£24.65
	46	£48,540	£930.90	£4,045.00	£25.16

**Chief Executive and Chief Officer
Pay and Grading Structure**

Scale / points range	Point	Salary effective from 01.04.18	Salary effective from 01.04.19
Chief Executive	Min	96,803	98,739
	2nd	99,231	101,215
	3rd	101,651	103,684
	4th	104,068	106,149
	Max	104,398	106,486

Scale / points range	Point	Salary effective from 01.04.18	Salary effective from 01.04.19
Chief Officer (100%)	Min	78,476	80,046
	2nd	80,442	82,051
	3rd	82,404	84,052
	4th	84,360	86,047
	Max	86,322	88,048

Scale / points range	Point	Salary effective from 01.04.18	Salary effective from 01.04.19
JNC1 - (62.5%)	Min	49,050	50,031
	2nd	50,277	51,283
	3rd	51,505	52,535
	4th	52,725	53,780
	Max	53,952	55,031
JNC2 - (70%)	Min	54,933	56,032
	2nd	56,311	57,437
	3rd	57,681	58,835
	4th	59,053	60,234
	Max	60,427	61,635
JNC 3 - (77.5%)	Min	60,820	62,036
	2nd	62,341	63,588
	3rd	63,866	65,143
	4th	65,382	66,690
	Max	66,900	68,238
JNC 4 - (80%)	Min	62,778	64,034
	2nd	64,353	65,640
	3rd	65,921	67,239
	4th	67,489	68,839
	Max	69,056	70,437
JNC 5 - (88.925%)	Min	69,784	71,180
	2nd	71,533	72,964
	3rd	73,278	74,744
	4th	75,016	76,516
	Max	76,762	78,297

APPENDIX 3

SOULBURY PAY AGREEMENT: 2018 and 2019

Educational Improvement Professionals

SCP	1.9.18	1.9.19
1	34,749	35,444
2	35,993	36,713
3	37,168	37,912
4	38,359	39,127
5	39,543	40,334
6	40,727	41,542
7	41,971	42,811
8	43,168*	44,032*
9	44,563	45,455
10	45,807	46,724
11	47,035	47,976
12	48,223	49,188
13	49,569**	50,561**
14	50,769	51,785
15	52,095	53,137
16	53,293	54,359
17	54,495	55,585
18	55,674	56,788
19	56,891	58,029
20	57,519***	58,670***
21	58,727	59,902
22	59,780	60,976
23	60,939	62,158
24	61,978	63,218
25	63,089	64,351
26	64,173	65,457
27	65,282	66,588
28	66,405	67,734
29	67,532	68,883
30	68,656	70,030
31	69,771	71,167
32	70,903	72,322
33	72,036	73,477
34	73,197	74,661
35	74,353	75,841
36	75,544	77,055
37	76,715	78,250
38	77,899	79,457
39	79,066	80,648
40	80,233	81,838
41	81,406	83,035

42	82,578	84,230
43	83,749	85,424
44	84,925	86,624
45	86,099	87,821
46	87,274	89,020
47	88,454	90,224
48	89,623****	91,416****
49	90,797****	92,613****
50	91,972****	93,812****

Notes:

Salary scales to consist of not more than four consecutive points based on the duties and responsibilities attaching to posts and the need to recruit and motivate staff.

*normal minimum point for EIP undertaking the full range of duties at this level.

**normal minimum point for senior EIP undertaking the full range of duties at this level.

***normal minimum point for leading EIP undertaking the full range of duties at this level.

****extension to range to accommodate structured professional assessments.

Young People's / Community Service Manager

SCP	1.9.18	1.9.19
1	36,040	36,761
2	37,219	37,964
3	38,398	39,166
4	39,601*	40,394*
5	40,824	41,641
6	42,016	42,857
7	43,236**	44,101**
8	44,622	45,515
9	45,387	46,295
10	46,568	47,500
11	47,742	48,697
12	48,918	49,897
13	50,086	51,088
14	51,265	52,291
15	52,446	53,495
16	53,630	54,703
17	54,820	55,917
18	56,003	57,124
19	57,179	58,323
20	58,380***	59,548***
21	59,604***	60,797***
22	60,857***	62,075***
23	62,134***	63,377***
24	63,438***	64,707***

Notes:

The minimum Youth and Community Service Officers' scale is 4 points.

Other salary scales to consist of not more than four consecutive points based on duties and responsibilities attaching to posts and the need to recruit retain and motivate staff.

*normal minimum point for senior youth and community service officers undertaking the full range of duties at this level (see paragraph 5.6 of the Soulbury Report).

**normal minimum point for principal youth and community service officer undertaking the full range of duties at this level (see paragraph 5.8 of the Soulbury Report).

***extension to range to accommodate discretionary scale points and structured professional assessments.

Trainee Educational Psychologists

SCP	1.9.18	1.9.19
1	23,415	23,884
2	25,129	25,632
3	26,841	27,378
4	28,556	29,128
5	30,269	30,875
6	31,983	32,623

Assistant Educational Psychologists

SCP	1.9.18	1.9.19
1	28,783	29,359
2	29,959	30,559
3	31,134	31,757
4	32,303	32,950

Educational Psychologists - Scale A

SCP	1.9.18	1.9.19
1	36,446	37,175
2	38,296	39,062
3	40,146	40,949
4	41,994	42,834
5	43,844	44,721
6	45,693	46,607
7	47,434	48,383
8	49,175	50,159
9	50,806*	51,822*
10	52,439*	53,488*
11	53,961*	55,040*

Senior and Principal Educational Psychologists

SCP	1.9.18	1.9.19
1	45,693	46,607
2	47,434	48,383
3	49,175*	50,159*
4	50,806	51,822
5	52,439	53,488
6	53,961	55,040
7	54,586	55,678
8	55,754	56,869
9	56,911	58,050
10	58,089	59,251
11	59,243	60,428
12	60,420	61,628
13	61,617	62,849
14	62,774**	64,029**
15	63,986**	65,266**
16	65,186**	66,490**
17	66,395**	67,723**
18	67,602**	68,954**

Salary scales to consist of not more than four consecutive points based on the duties and responsibilities attaching to posts and the need to recruit retain and motivate staff.

*Normal minimum point for the principal educational psychologist undertaking the full range of duties at this level.

**Extension to range to accommodate discretionary scale points and structured professional assessments.

Annual Leave & Holiday Pay A Manager's Guide



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1. PURPOSE & SCOPE

This document aims to provide guidance on a consistent approach to the way in which annual leave and sickness pay is calculated across the Authority.

It is important that such entitlements are paid in accordance with legislation and ensures that the Authority is delivering the most efficient service possible.

In terms of the legal context the Working Time Regulations (WTR) (1998) sets out parameters regarding working hours, statutory entitlement to paid leave for most workers and a number of other related issues. It is against this background that the guidance has been developed.

SECTION 1 - TYPES OF WORKERS

2. DEFINITION OF WORKERS

Permanent Employees

A permanent employee is a full time or part time individual who is employed by the Authority on a permanent contract. The employee will have full employment rights in line with current legislation, as outlined in their statement of particulars. There is no expected end date of their employment and they will accrue continuous service.

Permanent employees will accrue all relevant entitlements and benefits in line with the Council's terms and conditions i.e. sick pay and annual leave.

Fixed Term Employees

A fixed-term contract is one that ends on a specified date or on the occurrence of a particular event such as the loss of funding or the completion of a task. A fixed term employee can be a temporary replacement for an absent employee whose contract will terminate upon the return of the regular employee. After four years' continuous service in a fixed term position the manager should refer to the Fixed Term Regulations for further guidance, as the employee will be entitled to permanent status.

Employees recruited on such a contract should be done so on the basis that there is a fixed period for which the work is expected to last and that the weekly hours are definitive e.g. to cover maternity leave or an externally funded project.

Fixed term employees will be entitled to the same benefits as a permanent worker, i.e. annual leave and sick pay.

Term-Time Employees

A term-time contract is defined by an employee working only during periods that coincide with the school terms and is not required to work during school holidays. Term-time employees will be employed based on the number of weeks they work per year and remuneration will be calculated on a pro rata basis which will be inclusive of their annual leave entitlement.

Term-time employees will not be permitted to take leave during school time but will be entitled to the same other benefits of the Authority such as sick pay.

Temporary Employees

Temporary contracts will have no expectation of permanence as the termination date or the event on which the employment will terminate is not known. An employee on a temporary contract will accrue continuous service from the start date of that contract.

Temporary employees will be entitled to sick pay, annual leave and the range of other benefits the Authority offers, where applicable.

An employee should be recruited on a temporary contract if the work is expected to be of a temporary nature but the end date is not known e.g. to cover a period of sickness of a permanent employee. Contractual hours should be stipulated for the purposes of a temporary contract.

Relief Employees

Relief employees should be recruited as a way of dealing with a variable need for work i.e. short term absences. Employees of this nature should only be used on an ad hoc basis and will not work regularly and consistently. No contractual or implicit hours should be stipulated as part of a relief contract.

Relief employees should only be paid at the bottom of the grade and will not move through any grade increments. They will not be entitled to annual leave, sick pay or bank holiday entitlements. A relief employee will not benefit from the range of entitlements to which other employees of the Council are entitled.

If relief employees are allowed to build up regular and consistent hours then this will become a risk to the Authority i.e. annual leave, sickness pay and redundancy liability.

Relief employees should be regularly monitored by managers and termination paperwork completed routinely when the employee is no longer required, to ensure there is an accurate record of all current employees.

Part Time Employees

A part time employee will be defined as such if they work fewer hours than the Council's normal full time hours (37 hours per week). Part time employees will not be treated less favourably than comparable full time workers, nor will they be entitled to any benefits which exceed a full time equivalent.

Agency Workers

The Council has a contract to source all agency workers. All requests for agency workers must be approved by DMT and sent to the OD Division to be progressed to advert. Please refer to the [Agency Worker – Manager's Handbook](#) for further information. All administration relating to annual leave and sick pay will be administered by the contractor directly. It should be understood that Agency Workers are not employees of the Council.

3. GENERAL PRINCIPLES

When recruiting, a manager should carefully decide the type of contract that would best suit the required need to ensure efficiency of the service. Due consideration should be given throughout the duration of any contract that is not permanent to ensure that it is still fit for purpose and meets the need of the service. Managers should change the nature of the contract if the situation changes e.g. a relief employee who has started to pick up regular shifts as a result of sickness should be terminated as a relief employee and given a temporary contract.

SECTION 2-ABSENCE

4. SICKNESS LEAVE ENTITLEMENT

Permanent, Fixed Term, Term-Time and Temporary employees of the Authority are entitled to the following sick pay benefits, dependent on their length of service:

1st year – 1 month full pay and (after 4 months service) 2 months half pay

2nd year – 2 months full pay and 2 months half pay

3rd year – 4 months full pay and 4 months half pay

4th and 5th year – 5 months full pay and 5 months half pay

After 5 years – 6 months full pay and 6 months half pay

Sickness entitlement is calculated on a rolling 12 month basis, which starts on the first day of sickness absence looking back a calendar year.

Periods of absence in respect of industrial injury arising out of, or in the course of, employment with the Authority will not be counted for the purpose of calculating entitlement to sick pay.

All sickness and absence periods must be submitted as part of the Manager's weekly sick returns to Payroll.

The [Attendance Management Policy](#) can be found on the intranet for guidance on how to manage short term and long term employee absence. This policy applies to all types of employees. Employee guidance on reporting sick can also be found on the Council's intranet site in the Organisational Development section.

5. ANNUAL LEAVE ENTITLEMENT

Annual leave is required to be taken by arrangement within the leave year, which should commence on the 1st of the month in which the employee's birthday falls.

Annual leave entitlement for a full time employee is 25 days for those with less than 5 years' continuous service and 30 days for those with more than 5 years' continuous service.

Annual leave and bank holiday entitlements will be calculated on a pro-rata basis for part time staff. All part time staff should be given their entitlement in hours and minutes.

One day of annual leave entitlement is required to be taken at the Christmas closure by all staff who would ordinarily be expected to work on the designated day; this will be prorated for part time employees.

All annual leave should be taken during the year in which it is accrued. A maximum of five days may be carried over from one entitlement year to the next (prorated for part time staff).

Each calendar year employees are entitled to 8 statutory bank holidays and 2 extra statutory bank holidays. For a full list of statutory and extra statutory bank holidays please refer to the Council's [intranet site](#).

Part time staff should be given a pro rata entitlement for bank holidays in hours and minutes as per the guidance contained within this document, which will be added to their annual leave entitlement. Part time workers whose normal rota day falls on a bank holiday will be expected to deduct their normal working hours for that day from their entitlement.

Term-time only staff will not be permitted to take any leave during term time; they are instead paid a pro rata amount of annual leave included in their monthly salary, in order to take leave outside term time.

6. PAYMENT FOR ANNUAL LEAVE ON TERMINATION OF EMPLOYMENT

If an employee leaves the Authority's employment part way through their entitlement year their annual leave entitlement will be calculated on a pro rata basis up until their termination date (based on completed months only). Staff will be encouraged to take the annual leave to which they are entitled before terminating with the Authority. Only in exceptional circumstances will staff be entitled to be paid for any accrued annual leave that they are unable to take, or if the line manager cannot accommodate the taking of the leave, before the date of termination. There must be a sound business case in such situations. Any accrued but untaken flexi time will not be paid upon termination; managers will be expected to manage all leave in the notice period.

If, on the date of termination an employee has taken annual leave in excess of their pro rata entitlement, then they will be required to reimburse the Authority by means of deduction from their salary in respect of any excess annual leave taken.

It is important that all annual leave is managed appropriately so that the risk of outstanding annual leave or taking more than accrued is limited.

7. SICKNESS WHILST ON ANNUAL LEAVE

Where an employee falls sick or is injured whilst on annual leave, the employee can report sick and take replacement annual leave at a later time as long as the following conditions are adhered to:

- The total period of incapacity must be fully certified by a qualified medical practitioner. The Authority reserves the right to request further evidence of incapacity in certain instances.
- The employee must contact the manager by telephone on the first day of any known period of incapacity during the annual leave period.
- The employee must submit a written request no later than 10 days after returning to work, setting out how much of the annual leave period was affected by sickness and the amount of leave that the employee wishes to be credited back to their entitlement.
- Where an employee is abroad when taken ill, evidence must still be produced by the employee by way of medical certificate or proof of a claim on an insurance policy for medical treatment.
- All costs of medical certification are to be incurred by the employee.

If an employee satisfies all of the above conditions then the Authority will credit the number of days lost to illness back to their current entitlement year. The leave must then be re-taken within their current entitlement year wherever practical. Where carryover of leave is necessary, only the statutory element of any untaken leave may be carried over (see next section "Annual Leave Entitlement and Sick Leave" for full details). Where it is found that an employee has deliberately requested the replacement of annual leave under false circumstances they will be dealt with via the Council's [Disciplinary Code](#).

If an employee is ill or injured before the start of planned annual leave, the Authority will agree to the employee postponing the leave to another mutually agreed time (in that leave year wherever possible). The employee must submit this request in writing to their line manager alongside medical certification confirming that the employee is unfit for work.

The Authority may require an employee to take all or part of their replacement annual leave on particular days, in line with the Working Time Regulations (1998).

All periods of sickness absence resulting from these circumstances will be treated in accordance with the Authority's normal policy on sickness absence and employees will be expected to adhere to of the [Sickness Absence Notification Procedure for Employees](#).

8. ANNUAL LEAVE AND SICK LEAVE ENTITLEMENT

An employee who is absent due to sickness will continue to accrue their contractual annual leave entitlement. However, only annual leave up to the statutory entitlement (28 days in total which includes bank holidays) as provided by the Working Time Regulations (1998) can be carried over from one leave year to the next. This will be prorated for part time employees. Any leave carried over must be taken in the following year and the Council may require an individual to take the leave on particular days.

Example 1 - Full Time Equivalent

Employee A is entitled to 40 days leave (30 days annual leave + 10 bank holidays).

Employee A has taken 5 days annual leave and shortly after returning to work is then sick for nine months, returning 2 weeks before the end of the leave year.

Although the employee has 35 days in total left only 28 days can be carried over to the following leave year.*

Employees who are sick must only be allowed to carry over 5 days annual leave if they have previously taken their statutory allowance of 28 days, inclusive of bank holidays, and do not return before their next entitlement year.

Example 2 - Full Time Equivalent

Employee B is entitled to 40 days leave (30 days annual leave + 10 bank holidays).

Employee B has taken 30 days annual leave and is then sick until the next leave year.

Although the employee has 10 days left in total, only 5 days can be carried over to the following leave year.

**Where an employee returns to work following long term sick leave, any annual leave accrued should be taken in the same leave year where practicable. The Authority may require an individual to take all or part of the accrued leave on particular days in the interest of service delivery.*

8.1 TRAVELLING/TRIPS WHILST ON SICK LEAVE

Employees are not encouraged to go on holiday whilst on sick leave where this may be **detrimental** to their recovery. Employees who wish to go on holiday or who have pre-booked holidays must seek the written permission, or otherwise, of their Line Manager before embarking on the holiday. For this reason the employee must ensure that they give their Line Manager sufficient notice of their intention to travel. Under normal circumstances the Line Manager will not withhold permission provided that, where requested, the employee submits a letter from their doctor in support of the holiday. The Council reserves the right to refer the employee to the Occupational Health Advisor/Physician for confirmation.

If an employee is on sick leave and goes on holiday without seeking the appropriate approval this will be dealt with in line with the Authority's Disciplinary Code.

Employees on sick leave should be aware that if they participate in activities that are inconsistent with their stated reasons for being sick or activities that worsen or prolong their absence, which could include travel and holidays, the Authority reserves the right to stop statutory sick pay and/or occupational sick pay, and in some cases this could result in Disciplinary action.

8.2 ANNUAL LEAVE WHILST ON SICK LEAVE

The Council encourages employees to utilise annual leave during sickness periods wherever possible, and where their absence permits, which may **assist** recovery and wellbeing. Therefore, an employee on sick leave may request to take their accrued annual leave entitlement while on sick leave. This must be approved by the employee's GP (to confirm that the trip will not hinder the employee's recovery) and evidence of this submitted to the line manager who will then approve any dates and deduct the annual leave from the employee's entitlement. This will not impact on the employee's entitlement to paid or unpaid sick leave. However, it will be deducted from the annual leave allowance and not be classed as sick leave.

It is the responsibility of the line manager to inform payroll that an employee is on annual leave instead of sick leave (via the sick returns) during this time to ensure the employee is paid the correct rate of pay.

A process flowchart is attached as [appendix 2](#).

9. ANNUAL LEAVE FOR PHASED RETURN TO WORK AFTER SICKNESS ABSENCE

Phased returns are used for a variety of reasons when someone has been absent due to sickness. Where agreed (normally in line with Occupational Health), a phased return to work will be managed according to the particular worker and their particular circumstances. The Authority does not expect staff to use their annual leave entitlement during this time. However, the employee and their line manager may agree that accrued annual leave can be used to arrange a period of part time working at the end of the phased return. For advice on specific cases please contact the OD Division.

Managers must inform the Payroll Section of the agreed pattern of work during the period of phased return.

SECTION 3-REMUNERATION FOR ANNUAL LEAVE & SICKNESS LEAVE (PERMANENT & FIXED TERM STAFF)

10. DEFINITIONS

Overtime - generally means any work over the basic contractual 37 working hours per week.

Additional hours - any work over the contracted basic working hours of part-time workers i.e. those whose contract is less than 37 hours per week. Overtime only becomes applicable to part time workers once these additional hours, added to the contracted hours, exceed the normal working hours of full-time staff i.e. more than 37 hours per week.

Important note – If overtime/additional hours are consistently and regularly worked and paid over a prolonged period e.g. 12 weeks, they must be included when calculating annual leave/sick pay.

However, if the nature of the work involves predictable peaks and troughs e.g. seasonal work, a longer reference period may be used. The key is that the period used should be an accurate reflection of the overall average hours worked by the individual. If you have any queries about using a longer reference period please speak to your OD Service Partner or Advisor.

If employees regularly and consistently work overtime/additional hours this should be covered by a separate temporary or fixed term contract.

11. ADDITIONAL PAYMENTS/ENHANCEMENTS

Case Law and Employment Appeal Tribunals in 2014 have necessitated a revision of how certain additional payments are treated. The basic principle is that if an employee regularly and consistently receives additional payments as part of their role then these payments need to be included when calculating holiday pay. This is because the individual should not be at a financial detriment because they happened to be on leave or sick.

It should be stressed that this principle hinges on whether the payments are regular and consistent. If so then consideration also needs to be given whether these payments should be included in the contracted salary.

Any additional contractual payments must also be included in the calculation of holiday/sick pay, providing the employee receives payment for these hours. If time is taken in rather than pay then this would not be included.

Example – where employees are contractually required to be on standby or sleep in these payments must be included in holiday/sick pay calculations if they are worked and paid consistently and regularly.

However, if an employee receives a payment for standby and they are called out to attend and then given the next day off because they have been called out, only the standby payment should be included in the calculation, as the call out payments have been covered by taking the next day off.

12. SALARIED EMPLOYEES

Salaried employees (monthly paid) will be paid their contractual hours whilst absent due to sickness in line with the entitlements detailed above.

No salaried employee should exceed 37 hours per week except in exceptional circumstances. These instances should be discussed with the OD Division and at SMT.

If an employee has committed to working additional hours and then subsequently reports sick when the hours were due to be worked, they will not be paid for the additional hours.

Additional hours should only be paid for sickness if an individual works regular and consistent additional hours. In these instances sick pay should be calculated using a 13 week average. Please see examples below.

Staff should not accrue annual leave entitlement for additional hours worked. They will instead just be paid for the additional hours they worked. If they take a week's annual leave their pay will not be inclusive of any average hours worked.

13. FOUR WEEKLY EMPLOYEES

Four weekly paid employees will be paid their contractual hours whilst absent due to sickness, in line with the entitlements detailed above.

Four weekly paid employees should not exceed 37 hours of work per week in the same role unless in exceptional circumstances. Such instances should be discussed with the OD Division and at SMT.

Four weekly paid employees will not accrue an annual leave entitlement for additional hours worked and any paid annual leave will not account for an average of additional hours worked, unless the additional hours are regular and consistent.

In cases where staff work on a rota basis all sickness will be paid based on contractual hours only (inclusive of sleep-ins if contractual) from the first day of absence. No additional hours will be paid.

If employees pick up extra shifts they should not be included in any entitlement calculations based on average hours worked. Additional hours should only be averaged for staff who work consistent and regular additional hours.

Average hours calculations for four weekly employees will be averaged over 12 weeks.

Examples of Additional Hours

Week No.	1	2	3	4	5	6	7	8	9	10	11	12
Contractual Hours	25	25	25	25	25	25	25	25	25	25	25	25
Additional Hours	2	-	-	-	-	3	-	-	-	-	3	3

In this instance the additional hours are not consistent and regular and therefore should not be included in any calculations for sick pay; nor should they be averaged for an additional annual leave entitlement.

Week No.	1	2	3	4	5	6	7	8	9	10	11	12
Contractual Hours	25	25	25	25	25	25	25	25	25	25	25	25
Additional Hours	2	2	2	2	-	2	2	2	2	-	2	2

In this instance it is clear to see that this particular staff member is regularly picking up an extra 2 hours per week. This may be to cover staff sickness or an unfilled vacancy on a short term basis. However, in these circumstances an average calculation should be used to calculate the entitlement to sick pay and the individual should be given a temporary or fixed term contract to fulfil these hours in line with the guidance set out at the beginning of this document.

In terms of annual leave, employees should have their annual leave entitlement recalculated to account for the duration of the additional hours based on a pro rata calculation.

Ordinarily employees should be given their annual leave to take as and when it suits themselves and the service. However, the Authority recognises that in line with business needs, and in exceptional circumstances only, individuals may need to be paid for the additional annual leave they have accrued to avoid

further staff shortages. Please seek advice from the OD Division in these cases, which must be agreed in advance with the employee. In these instances the annual leave will be calculated using a 12 week average.

14. USE OF TEMPORARY STAFF

Temporary staff should be recruited in line with the guidance set out at the beginning of this document. Temporary workers should be recruited to fill a gap, usually for a short term period, with a set number of hours to work per week.

Sickness pay should be based on contractual hours only and will not include any additional hours that that may have been scheduled to work. Sick pay should only be based on an average calculation if an individual has been consistently and regularly working over and above their contractual hours. Managers must regularly monitor and review working hours and if such a situation should arise changes should be made as soon as possible, with the contract being amended accordingly.

Annual leave entitlements in these cases should be calculated at the outset of the employment and based on a pro rata calculation for the expected duration of the contract. The calculations should also be inclusive of a bank holiday pro rata entitlement.

15. USE OF RELIEF STAFF

Relief workers should be recruited in line with the guidance set out at the beginning of this document. Such workers should only be used on an ad hoc basis and should not be relied upon to fill an ongoing gap in capacity. A pool of relief workers for any given service area can be common practice although they should not be offered regular hours, as this would constitute a temporary contract.

Relief workers will not be entitled to any sick pay and will not be paid for any shift that they are unavailable to work due to sickness.

Relief workers will not be entitled to accrue any annual leave or bank holiday entitlement.

Relief workers should be paid in accordance with the Authority's usual terms and conditions dependent on the shift they are scheduled to work i.e. a bank holiday or sleep in shift. They will not be paid more than a permanent member of staff for such shifts.

16. MORE THAN ONE JOB

If members of staff work in different roles across the authority, it is a managerial responsibility to ensure that individuals do not breach the Working Time Regulations as we are one employer and staff are entitled to the appropriate rest periods.

Individuals should report sick in line with the reporting procedures for each role they are unfit to attend.

Staff are not permitted to take annual leave in one role in order to pick up additional shifts in another.

17. CALCULATING ANNUAL LEAVE

The Authority has developed a simple to use online annual leave calculator that will enable the user to identify the appropriate leave entitlements for both full and part time employees.

The calculator can be accessed on the intranet [here](#).

Guidance and ready reckoners for the manual calculation of annual leave can be found in appendix 1.

APPENDIX 1 - GUIDANCE FOR CALCULATING ANNUAL LEAVE

To assist the calculation of annual leave a number of ready reckoners have been devised. They are attached below, with guidance notes and can also be accessed on the Council's [Intranet site](#).

This guidance is only to be used for staff working 52 weeks per year.

Please use this guidance in conjunction with the annual leave and bank holiday calculation tables.

Useful Information

- If a member of staff works the same number of hours each day, for five days (Mon-Fri), there is no need to calculate the pro rata entitlement, as it will always equate to 25 days (less than 5yrs service) and 30 days (more than 5yrs service), and the leave entitlement can be taken in days (e.g. 25hrs per week, 5hrs per day, Mon-Fri).
- A pro rata monthly annual leave entitlement for full time staff (37 hrs) working a normal 5 day week (7hrs 24mins per day) is:
 - 2 days for an employee with less than 5 years service.
 - 2.5 days for an employee with more than 5 years service.

Calculating a Pro Rata Entitlement for Part Time Staff

In order to calculate an employee's entitlement to annual leave you need to ensure that you have:

- the weekly contracted hours for the employee
- the number of days/pattern worked each week
- the number of hours the employee is required to work each day
- the employee's birth month
- whether the employee has more or less than 5 years service
- the table for annual leave and bank holidays calculations

Annual leave entitlements run from an employee's birth month, therefore, if your birthday falls in June your leave entitlement would run from 1st June to 31st May each year.

To calculate leave entitlement, you need to:

- Use the annual leave and bank holiday calculations table to locate the number of hours worked per week and identify the entitlement/pro rata entitlement.
- Add the annual leave and bank holiday entitlement together for the full entitlement.

- Calculate the bank holidays that will fall on the employee's working days and the hours the employee is due to work on these days and total these hours.
- Deduct the number of hours that need to be used for bank holidays and deduct from the full entitlement.
- The number of hours remaining is the employee's entitlement to annual leave.

Scenario: Employee with more than 5 years service working 30hrs per week, 7hrs 30mins per day Tuesday-Friday, birth month June

- Using the annual leave (30 days) and bank holiday calculations table locate the number of hours worked per week (30) and identify the pro rata entitlement (Annual leave = 180hrs Bank holiday = 60 hrs).
- Add this figure together which gives you a total of 240 hrs, this is a full year's entitlement.
- Next you need to deduct all bank holidays that fall on the working day and deduct them depending on the number of hours due to work on that day. In this case the employee works Tues-Fri, (7hrs 30mins per day) so only the Bank holidays at Christmas and Good Friday (4 days) would need to be deducted at 7hrs 30mins each, therefore 30 hrs needs to be deducted for bank holidays.
- There is a total of 210hrs remaining for annual leave.

As the employee works the same number of hours each day (7hrs 30mins) this leave entitlement can be divided equally by 7.5 and would equate to 28 days.

How to determine if an annual leave entitlement is in days or hrs/mins

- If the part time employee works the same number of hours each day then the leave can be calculated in days **assuming** the remaining total can be divided equally.
(E.g. If 120hrs remaining for annual leave and the employee works five hrs per day then divide 120 by 5 which converts to 24 days leave).
- Annual leave will have to be calculated in hrs and mins if the employee does not work the same number of hours each day.

When to recalculate a leave entitlement

It is important to note that an employee's leave entitlement will need to be recalculated as a result of:

- An increase / reduction in weekly working hours
- Change to working pattern (working day, daily hours, etc) as this may affect the deduction of hrs for bank holiday entitlement
- The employee reaching 5 years continuous service
- Termination of employment part way through a leave year

Calculating the additional entitlement for a full time employee who reaches 5yrs service part way through their leave year

Please note this calculation is for staff that are full time.

If an employee reaches 5yrs service part way through their leave year, they will be entitled to a pro rata amount of the additional 5 days. To calculate a pro rata additional entitlement, you need to:

- Divide the full additional entitlement of 5 by 12 to get a monthly entitlement (0.4).
- Identify the number of complete months that remain in the leave entitlement after the date of 5yrs service.
- Multiple the number of complete months remaining by 0.4.
- This figure will be the additional entitlement that the employee will receive when they reach 5yrs service.
- The following full leave year their leave will be increased to 30 days.

Scenario: Full time employee with a leave year that runs from February January reaches 5 years service on 10th March

- Identify the number of completed months that remain in the leave entitlement after the date of 5yrs service = 10 (months) April – January.
- Multiply the number of full months remaining by 0.4.
- On 10th March this employee will receive an additional 4 days leave.
- The following full leave year their leave will be increased to 30 days.

Calculating the additional entitlement for a part time employee who reaches 5yrs service part way through their leave year

If an employee reaches 5yrs service part way through their leave year, they will be entitled to a pro rata amount of the additional leave (this will vary depending on their weekly hours). To calculate a pro rata additional entitlement, you need to:

- Use the annual leave calculation table (25 days/less than 5 yrs service) to locate the number of hours worked per week and identify the entitlement in hours.
- Use the annual leave calculation table (30 days/more than 5 yrs service) to locate the number of hours worked per week and identify the entitlement in hours.
- Calculate the difference in entitlement (this is the pro rata amount for a full year's additional entitlement).
- Divide the full additional entitlement by 12 to get a monthly entitlement.
- Identify the number of completed months that remain in the leave entitlement after the date of 5yrs service.
- Multiple the number of full months remaining by the monthly entitlement.
- This figure will be the additional entitlement that the employee will receive when they reach 5yrs service.
- The following full leave year their leave will be increased to the full entitlement identified on the annual leave calculation (30 days/more than 5 yrs service).

Scenario: Part time employee (20hrs) with a leave year that runs from February – January reaches 5 years service on 10th March

- Use the annual leave calculation table (25 days/less than 5 yrs service) to locate the number of hours worked per week and identify the entitlement in hours = **100hrs.**
- Use the annual leave calculation table (30 days/more than 5 yrs service) to locate the number of hours worked per week and identify the entitlement in hours = **120hrs.**
- Calculate the difference in entitlement (this is the pro rata amount for a full year's additional entitlement) = **20hrs.**
- Divide the full additional entitlement by 12 to get a monthly entitlement = **1.5hrs.**
- Identify the number of completed months that remain in the leave entitlement after the date of 5yrs service = **10 months.**
- Multiply the number of full months remaining by the monthly entitlement = **15hrs.**
- This figure will be the additional entitlement (**15hrs**) that the employee will receive when they reach 5yrs service.
- The following full leave year their leave will be increased to the full entitlement identified on the annual leave calculation (30 days/more than 5 yrs service).

Calculating a leave entitlement for a portion of a year

To calculate a leave entitlement for a portion of the year (e.g. new starter starting part way through leave year or employee terminating):

- Calculate the full annual leave entitlement.
- Calculate the number of completed months the employee works in the leave year.
- Divide the full entitlement by 12 and multiply by the number of completed months the employee has/will work.

Scenario: Employee with more than 5 years service working full time normal hours (37 hrs / 7hrs 24mins per day), birth month June, terminating 15th November

- Full annual leave entitlement would be 30 days.
- Completed months worked 1st June – 31st October = 5 months.
- Divide the full entitlement by 12 and multiply by the number of completed months (5) the employee has worked.
- Pro rata entitlement would be 12.5 days.
- As this individual is terminating you would need to deduct any leave already taken. (If there is a shortfall then the amount would need to be reclaimed in the final salary, alternatively if there is leave remaining this can be paid or taken prior to termination).

ANNUAL LEAVE CALCULATIONS 25 DAYS

HOURS WORKED PER WEEK	ANNUAL LEAVE HOURS (DECIMAL)	ANNUAL LEAVE HOURS (HRS & MINS)	HOURS WORKED PER WEEK	ANNUAL LEAVE HOURS (DECIMAL)	ANNUAL LEAVE HOURS (HRS & MINS)
1	5.00	5	26	130.00	130
2	10.00	10	27	135.00	135
3	15.00	15	28	140.00	140
4	20.00	20	29	145.00	145
5	25.00	25	30	150.00	150
6	30.00	30	31	155.00	155
7	35.00	35	32	160.00	160
7.4	37.00	37	33	165.00	165
8	40.00	40	34	170.00	170
9	45.00	45	35	175.00	175
10	50.00	50	36	180.00	180
11	55.00	55	37	185.00	185
12	60.00	60			
13	65.00	65			
14	70.00	70			
15	75.00	75			
16	80.00	80			
17	85.00	85			
18	90.00	90			
18.5	92.50	92.30			
19	95.00	95			
20	100.00	100			
21	105.00	105			
22	110.00	110			
23	115.00	115			
24	120.00	120			
25	125.00	125			

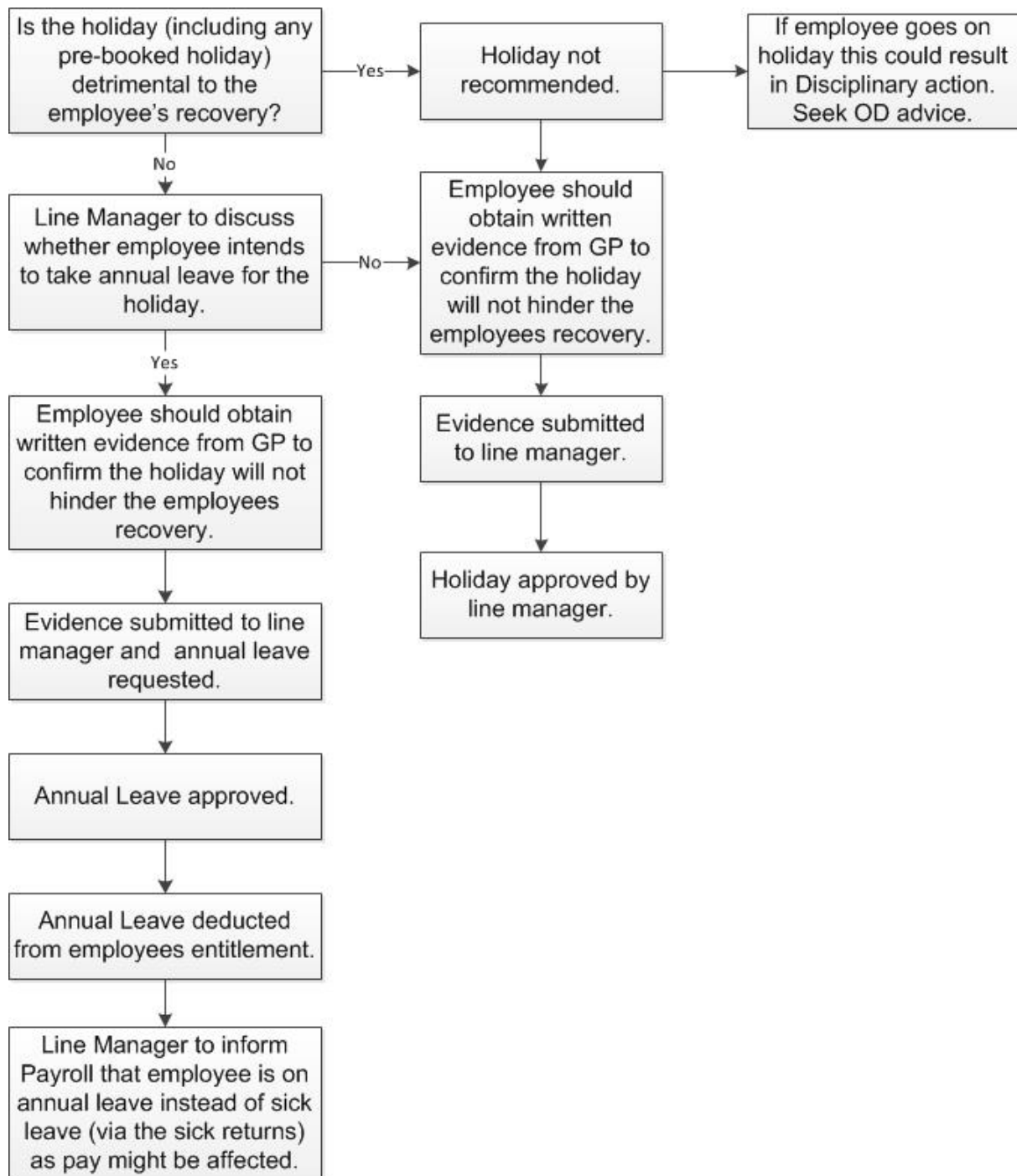
ANNUAL LEAVE CALCULATIONS 30 DAYS

HOURS WORKED PER WEEK	ANNUAL LEAVE HOURS (DECIMAL)	ANNUAL LEAVE HOURS (HRS & MINS)	HOURS WORKED PER WEEK	ANNUAL LEAVE HOURS (DECIMAL)	ANNUAL LEAVE HOURS (HRS & MINS)
1	6.00	6	26	156.00	156
2	12.00	12	27	162.00	162
3	18.00	18	28	168.00	168
4	24.00	24	29	174.00	174
5	30.00	30	30	180.00	180
6	36.00	36	31	186.00	186
7	42.00	42	32	192.00	192
7.4	44.40	44.24	33	198.00	198
8	48.00	48	34	204.00	204
9	54.00	54	35	210.00	210
10	60.00	60	36	216.00	216
11	66.00	66	37	222.00	222
12	72.00	72			
13	78.00	78			
14	84.00	84			
15	90.00	90			
16	96.00	96			
17	102.00	102			
18	108.00	108			
18.5	111.00	111			
19	114.00	114			
20	120.00	120			
21	126.00	126			
22	132.00	132			
23	138.00	138			
24	144.00	144			
25	150.00	150			

BANK HOLIDAY CALCULATIONS- 10 DAYS

HOURS WORKED PER WEEK	BANK HOLIDAY HOURS (DECIMAL)	BANK HOLIDAY HOURS (HRS & MINS)	HOURS WORKED PER WEEK	BANK HOLIDAY HOURS (DECIMAL)	BANK HOLIDAY HOURS (HRS & MINS)
1	2	2	26	52	52
2	4	4	27	54	54
3	6	6	28	56	56
4	8	8	29	58	58
5	10	10	30	60	60
6	12	12	31	62	62
7	14	14	32	64	64
8	16	16	33	66	66
9	18	18	34	68	68
10	20	20	35	70	70
11	22	22	36	72	72
12	24	24	37	74	74
13	26	26			
14	28	28			
15	30	30			
16	32	32			
17	34	34			
18	36	36			
18.5	37	37			
19	38	38			
20	40	40			
21	42	42			
22	44	44			
23	46	46			
24	48	48			
25	50	50			

APPENDIX 2 – HOLIDAYS WHILST ON SICK LEAVE





Cyngor Bwrdeisdref Sirol

Blaenau Gwent

County Borough Council

Retirement Options Policy

(Local Government Pension Scheme only)



ORGANISATIONAL DEVELOPMENT DIVISION

Issued: November 2017 Review: August 2019

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1. POLICY STATEMENT

Retirement is an important step in a person's life; Blaenau Gwent is committed to ensuring that the transition from work to retirement is as smooth as possible for its employees.

2. PURPOSE

The purpose of this policy and procedure is to lay down the principles and practices that will govern Blaenau Gwent's approach to employee retirements.

Blaenau Gwent recognises the contributions of a diverse workforce, including the skills and experience of older employees. It believes that employees should, wherever possible, be permitted to continue working for as long as they wish to do so.

The intention of the policy is to promote equality and fairness and to give managers and employees, where possible, the flexibility to plan retirements.

3. SCOPE

This policy has been developed in line with the Employment Equality (Age) Regulations 2006, which came into force on 1 October 2006, and the Local Government Pension Scheme Changes 2014. It also reflects the changes following the abolition of the default retirement age with effect from 1 October 2011.

These provisions apply to all Blaenau Gwent employees with the exception of teaching staff. Any reference to pension entitlements will only apply to individuals who participate in the Local Government Pension Scheme (LGPS).

4. ADVICE TO EMPLOYEES CONSIDERING THEIR RETIREMENT OPTIONS

A. RETIREMENT (FROM NATIONAL PENSION AGE (NPA))

With effect from 1 October 2011, the Default Retirement Age has been removed and employees will no longer have a contractual retirement date of age 65.

An employee can now choose to retire from at any time between age 55 and 75 and receive their pension benefits immediately, although there may be a reduction in the benefits if payment is taken before your NPA, as it's being paid earlier. If you take it later than your NPA it's increased because it's being paid later.

Your Normal Pension Age (NPA) is simply the age when you can retire and take the pension you have built up in full – for the pension built up from 1 April 2014 your NPA is the same as your State Pension Age (but with minimum of age 65).

Employees who have contributed to the pension scheme will be entitled to a lump sum and an annual pension upon retirement, and they can take up the option to convert an element of their annual pension into a tax-free lump sum. At state retirement age employees will receive the basic flat-rate state pension if sufficient National Insurance contributions have been paid.

If an employee wishes to work after NPA they will continue paying into the LGPS, building up further benefits. They can receive their pension when they retire or reach the eve of their 75th birthday, whichever comes first. If the employee retires at or after NPA they can, if they wish, defer drawing their pension but must draw it before age 75. An employee will continue to accrue pension benefits if they continue working beyond NPA and the pension will be uplifted in line with regulations.

B. CURRENT TRANSITIONAL PROTECTION ARRANGEMENTS

The 85 year rule, which allowed members to retire before the age of 65 with unreduced benefits provided their age and membership added up to 85 was removed with effect from 1 October 2006.

However there are currently transitional protection arrangements in place for employees who were members of the LGPS prior to this date. The following table will help you work out your general position in relation to the 85 year rule, however, you should be aware that the rules governing how the 85 year rule protection applies, and the level of that protection, are quite complex.

If you would not satisfy the 85 year rule by the time you are 65	All your benefits are reduced if you choose to draw your pension before your Normal Pension Age. The reduction will be based on how many years before your Normal Retirement Age (protected Normal Pension Age for pension built up before 1 April 2014) and new Normal Pension Age (linked to State Pension Age) for pension built up from 1 April 2014) you draw your benefits.
If you will be age 60 or over by 31 March 2016 and choose to draw your pension before your Normal Pension Age	Provided you satisfy the 85 year rule when you start to draw your pension, the benefits you build up to 31 March 2016 will not be reduced.
If you will be under age 60 by 31 March 2016 and choose to draw your pension before your protected Normal Pension Age	Provided you satisfy the 85 year rule when you start to draw your pension, the benefits you've built up to 31 March 2008 will not be reduced.
If you will be aged 60 between 1 April 2016 and 31 March 2020 and meet the 85 year rule by 31 March 2020	Some or all of the benefits you build up between 1 April 2008 and 31 March 2020 will not have a full reduction.

C. WORKFORCE PLANNING

With the removal of the default retirement age (Age 65), it is important that the Authority is in a position to plan its workforce requirements to meet future business needs.

The Authority encourages its managers to hold regular workplace discussions with all employees to discuss performance, development and training needs. The discussions also need to include both the Authority's and the employee's future plans and expectations. This will be an opportunity for employees to discuss any future plans or proposals for retirement and in turn allow the manager to plan for such an event.

Organisational Development are able to provide advice and support to managers to assist in workforce planning for their service area as a whole. Further information and advice can be provided by our Organisational Development Advisor.

5. FLEXIBLE RETIREMENT - REGULATION 35

The Authority relies upon the knowledge and skills of its employees. A flexible approach to retirement may mean that those employees who would otherwise retire completely can choose to explore other options which can benefit both the employee and the Authority. The Authority is actively promoting Work Life Balance options and managers will take this into consideration when considering any application for flexible retirement.

A. ELIGIBILITY

Employees can apply for flexible retirement from age 55 years onwards, (providing you have met the 2 year vesting period in the scheme).

B. OPTIONS

There are a number of flexible retirement options available as follows:

- working flexible hours leading up to retirement;
- retiring and returning to work part time in current post; or
- full-time/part time in a lower graded post with reduced responsibilities (assuming a suitable position is available).

C. PENSION IMPLICATIONS

An employee reducing their hours or moving to a less senior position at or after age 55 can, provided there is a business case to support this, draw some or all of the benefits accrued, to help ease him/her into retirement, although the benefits may be reduced for early payment. The employer however has the discretion to waive the reduction in whole or in part.

Employees can continue paying into the LGPS on their reduced hours or in the new role, building up further benefits in the scheme up to the eve of their 75th birthday.

D. CONDITIONS OF SERVICE

An employee's terms and conditions of service will remain unchanged as there is continuity of employment i.e. holidays, occupational sick pay, etc.

- Where an employee receives pension and returns to the Authority in a lower graded post the appointment will be made on the first point of the new scale.

- Where an employee returns to the Authority in the same role on reduced hours the salary point will remain unchanged, however the salary, holidays, etc will be pro-rata to the number of hours agreed in the application.

E. APPLICATION

Applications must be made using the Flexible Retirement Request Form, identifying the preferred flexible retirement option. This must be made to the appropriate officer who is their respective line manager/service manager and copied to the Organisational Development Division.

F. PROCEDURE

- On receipt of the Flexible Retirement Request Form the financial implications in relation to the early release of the pension will be considered along with any service delivery issues by the directorate to ensure that:
 - there is no detrimental effect on service delivery
 - any flexible working arrangements are fair and equitable to all employees in the team
 - any flexible working arrangement is reviewed to ensure its effectiveness on both sides
 - there is a viable business case to present to the Early Retirement Panel for approval
- The Early Retirement Panel will review the business case and make a decision whether the flexible retirement is a viable option for the Authority. Once considered at the Early Retirement Panel, the employee and their line manager/service manager will be notified of the outcome.
- If the application is successful, agreement will be reached with the employee and their line manager/service manager regarding the start date and review date for the new arrangements.
- If the application is unsuccessful, the employee will be provided with an explanation why the request has been denied. The decision of the Panel is final and there is no right of appeal.

If an employee is interested in pursuing flexible retirement, they can contact the Organisational Development Division for more details.

5. OTHER POLICIES/GUIDELINES

These provisions should be applied in accordance with other Blaenau Gwent Policies with particular reference to the following:

- Worklife Balance Policies
- Recruitment and Selection Charter
- In the Interest in Efficiency of the Service Policy
- Redundancy Policy
- Attendance Management Policy

6. FURTHER INFORMATION

Further information, copies of appropriate forms and guidance can be obtained from:

Organisational Development Division

Municipal Offices, Civic Centre, Ebbw Vale, NP23 6XB

Tel: (01495) 355008

Fax: (01495) 355787

E-mail: hr.division@blaenau-gwent.gov.uk

Resources Division

Municipal Offices, Civic Centre, Ebbw Vale, NP23 6XB

Contact: Loren Cosh– Pensions and Technical Officer

Tel: (01495) 355994

Fax: (01495) 356133

E-mail: loren.cosh@blaenau-gwent.gov.uk

Torfaen Pension Scheme Administrators

Torfaen County Borough Council, Civic Centre, Pontypool, NP4 6YB

Tel: (01495) 766266

Fax: (01495) 766275

E-mail: pensions@torfaen.gov.uk

Retirement Options

Frequently Asked Questions



Q How much notice will I have to give if I want to retire?

You will need to give sufficient notice of your intention to retire to assist the Authority in planning its workforce requirements. In cases where employer consent is required, the retirement will need to be approved by an early retirement panel, so appropriate notice would be required to ensure that up to date retirement figures can be requested, a report created and approved within this timescale.

The Authority encourages its managers to hold regular workplace discussions with staff, and this will also be an opportunity to discuss any proposals for retirement and to allow your manager to plan for such an event.

Q I am 56 years of age, can I retire?

It is possible to retire from the age of 55 and receive benefits immediately although these benefits will be reduced due to them being paid for a longer period of time. The earliest age that you could access your pension in full, would be your NPA, before this you may suffer a reduction in your benefits for early payment, depending on your service.

Q I have been unwell recently; can I finish on Ill Health?

In line with the Attendance Management policy, the Authority will make a decision in relation to the grounds for termination of your employment. Following this you will need to be assessed by an Independent Registered Medical Practitioner and satisfy the criteria to qualify for the release of your pension, i.e. "you must be incapable of undertaking your current role until the age of 65".

For further information in relation to termination of employment on the grounds of ill health please contact the Organisational Development Division.

Q I am 52 and would like to retire, what do I need to do?

In line with the pension regulations, employees would not receive release of their pension benefits before the age of 55. If you wanted to finish work you would have to voluntarily resign and your pension contributions would be frozen until such time that you are eligible to draw upon them. The earliest age you can draw your pension if you no longer work for the authority is age 55 providing you have paid pension contributions from 1 April 2014 onwards. If you left the pension scheme prior to 1 April 2014 your earliest retirement date will be your NPA, although there may be a reduction in your pension for early payment.

If you were made redundant, then you would receive the relevant redundancy payment, and any pension contributions would be frozen until you reach pensionable age.

Q Can I just retire when I want to? Will my age impact on my benefits?

An employee's pension can be released from the age of 55. Any retirements before the age of 60 are known as Regulation 31. As part of the request for retirement the Authority will need to consider the financial implications (if any) in relation to the early release of your pension. It is necessary for the retirement to be considered at a Retirement Panel, the panel will review the business case and make a decision on the retirement.

You can also choose to retire from age 55 and receive pension benefits immediately, although there may be a reduction in the pension for early payment if full service hasn't been achieved.

If you continue to work after NPA, you will continue to pay into the LGPS, building up further benefits. You will receive your pension when you retire or reach the eve of your 75th birthday, whichever come first.

Q I'm not ready to retire completely, what are my options?

If you are over the age of 55 there are a number of flexible retirement options available, such as working flexible hours, reduced hours or undertaking a lower graded post with reduced responsibilities, assuming there is a suitable position available.

Provided there is a viable business case to support your request, you can draw some or all of the benefits you have built up, although the benefits may be reduced for early payment. Again, a report would need to be considered by the Early Retirement Panel to ensure there is a viable business case before the request is approved, so sufficient notice would be required.

Q I'm approaching age 65, but don't want to retire.

The default retirement age was abolished from 1 October 2011, and there is no longer a contractual retirement age, therefore you will not need to submit a request to work beyond age 65. It is anticipated that you would have communicated your intentions to continue working to your manager during ongoing workplace discussions.

If you work beyond age 65 you will continue to pay into the Local Government Pension Scheme and build up further benefits. Your pension will be released when you retire or reach the eve of your 75th birthday, whichever comes first.

Flexible Retirement Request Form



Cyngor Bwrdeisdref Sirol

Blaenau Gwent

County Borough Council

PLEASE COMPLETE FORM AND RETURN TO YOUR LINE MANAGER

Name:

Address:

Staff Number:

Directorate:

Division/Section:

Post Title:

National Insurance Number:

Date Of Birth:

Current Pattern Of Work:

Proposed Flexible Working Option:

Employee's Signature:

Date:

Local Government Pension Scheme Regulations 2013

Statement Of Policy - Exercise Of Discretionary Functions



The Local Government Pension Scheme (LGPS) 2014 effective from 1 April 2014 introduces or amends a number of discretionary elements over which the Council as the employing body can exercise its discretion.

These policy discretions are, where appropriate, as close to the discretions previously applied by the Council and have been the subject of consultation with the trades unions.

In accordance with Regulation 60 of the above regulations the Council must formulate, approve, publish and keep under review changes to the Council's Policy in relation to the exercise of its employer discretions under regulations:

- 16(2)(e) and 16(4)(d) (funding of additional pension);
- 30(6) (flexible retirement);
- 30(8) (waiving of actuarial reduction); and
- 31 (award of additional pension).

In addition and in accordance with Paragraphs 2(2) of Schedule 2 to the Local Government Pension Scheme (Transitional Provisions, Savings & Amendment) Regulations 2014 the Council must also prepare a written statement on whether, in respect of benefits relating to pre 1 April 2014 membership, to 'switch on' the 85 year rule for a member who voluntarily retires (leaves employment) and elects to draw their benefits on or after the age of 55 and before the age of 60 thereby agreeing to waive in full or part any actuarial reduction applied to the member's benefits.

The Council is required to send a copy of this Statement to the Pensions Administering Authority by no later than 30 June 2014 and publish it in a place that is easily accessible to all of its eligible scheme employees. There is also the requirement to keep this Policy Statement under review and make such revisions as are appropriate following a change of policy.

Where a revision is made a copy of the revised statement must be supplied to the Pension Administering Authority before the expiry of one month beginning with the date that any such revision is made. The Council must also publish its revised statement ensuring that it is equally accessible.

In preparing, or reviewing and making revisions to its statement, the Council must have regard to the extent to which the exercise of its discretionary powers, unless properly limited, could lead to a serious loss of confidence in the public service.

This document outlines Blaenau Gwent County Borough Council's policy on the employer discretions specified in LGPS 2014, effective from 1 April 2014.

PART A – Formulation of COMPULSORY policy in accordance with Regulation 60 of the Local Government Pension Scheme Regulations 2013

Regulation 16 – Additional Pension Contributions

Where an active Scheme member wishes to purchase extra annual pension of up to £6,500* (figure at 1 April 2014) by making Additional Pension Contributions (APCs), the employer can choose to (voluntarily) contribute towards the cost of purchasing that extra pension via a Shared Cost Additional Pension Contribution (SCAPC).

The Scheme employer may resolve 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)*.

The Scheme employer may enter into an APC contract with a Scheme member who is contributing to the MAIN section of the Scheme in order to purchase additional pension of not more than the additional pension limit (£6,500 from 1 April 2014 subject to annual increase in line with the Pensions (Increase) Act 1971). The amount of additional contribution to be paid is determined by reference to actuarial guidance issued by the Secretary of State.

Blaenau Gwent County Borough Council's policy concerning the whole or part funding of an active member's additional pension contributions - Regulation 16(2)(e) and 16(4)(d)

The Council's policy is not to establish a Shared Cost Additional Pension Contribution Scheme for its employees either on the basis of regular ongoing contribution or by a one off lump sum. This would be a cost pressure and as such the Council will not exercise this discretion on the basis of affordability.

Regulation 30(6) – Flexible Retirement

An active member who has attained the age of 55 or over and who with the agreement of their employer reduces their working hours or grade of employment may, with the further consent of their employer, elect to receive immediate payment of all or part of the retirement pension to which they would be entitled in respect of that employment as if that member were no longer an employee in local government service on the date of the reduction in hours or grade (*adjusted by the amount shown as appropriate in actuarial guidance issued by the Secretary of State – separate policy required under Regulation 30(8)*).

As part of the policy making decision the Scheme employer must consider whether, in addition to the benefits the member may have accrued prior to 1 April 2008 (which the member must draw), to permit the member to choose to draw all, part or none of the pension benefits they built up after 31 March 2008 and before 1 April 2014 and all, part or none of the pension benefits they built up after 1 April 2014.

Due consideration must be given to the financial implications of allowing an employee to draw all or part of their pension benefits earlier than their normal retirement age.

Blaenau Gwent County Borough Council's policy concerning flexible retirement

The Council currently has a policy in place to consider applications for Flexible Retirement which is linked to the Council's policies on retirement and flexible working. The Authority relies upon the knowledge and skills of its employees and as such this policy provides the opportunity for retaining skills and experience as part of a transition towards retirement.

Flexible Retirement allows scheme members age 55 and over to apply to transfer to a lower graded post or to reduce hours of employment and at the same time access their retirement benefits. Both the transfer to a lower graded post or reduction in hours of work and the early release of retirement benefits is an employer discretion.

The Council currently operates a Flexible Retirement Scheme and as such this arrangement will continue. The business case in respect of a flexible retirement request will be considered at the Council's Early Leavers Panel.

Regulation 30(8) – Waiving of Actuarial Reduction

Where a Scheme employer's policy is to consent to the immediate release of benefits in respect of an active member who is aged 55 or over, those benefits must be adjusted by an amount shown as appropriate in actuarial guidance issued by the Secretary of State (commonly referred to as actuarial reduction or early payment reduction).

A scheme employer (or former employer as the case may be) may agree to waive in whole or in part and at their own cost, any actuarial reduction that may be required by the Scheme Regulations.

Due consideration must be given to the financial implications of agreeing to waive in whole or in part any actuarial reduction.

Blaenau Gwent County Borough Council's policy concerning the waiving of actuarial reduction

The business case in respect of Early Retirements will be considered in line with the terms of reference of the Council's Early Leavers Panel. Waiving of actuarial reduction protections in such cases will not normally be considered. Only in exceptional circumstances where there is a clear financial or operational advantage for the Authority in so doing or on compassionate grounds would this be considered. This would require authorisation by the Chief Finance Officer and the Head of Organisational Development or their nominated representative.

Regulation 31 – Award of Additional Pension

A Scheme employer may resolve to award

(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 (£6,500 from 1 April 2014 subject to annual increase in line with the Pensions (Increase) Act 1971).

Any additional pension awarded is payable from the same date as any pension payable under other provisions of the Scheme Regulations from the account to which the additional pension is attached.

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.

Blaenau Gwent County Borough Council's policy concerning the award of additional pension

The Council's policy is not to fund additional pension at whole cost to the employer given the substantial costs associated with introducing an equitable scheme. This would be a cost pressure and as such the Council **will not exercise** this discretion on the basis of affordability.

Local Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014 Schedule 2 – paragraphs 2 and 3

Where a scheme member retires or leaves employment and elects to draw their benefits at or after the age of 55 and before the age of 60 those benefits will be actuarially reduced unless their Scheme employer agrees to meet the full or part cost of those reductions as a result of the member otherwise being protected under the 85 year rule as set out in previous regulations.

So as to avoid the member suffering the full reduction to their benefits the Scheme employer can 'switch on' the 85 year rule protections thereby allowing the member to receive fully or partly unreduced benefits but subject to the Scheme employer paying a strain (capital) cost to the Pension Fund.

Blaenau Gwent County Borough Council's policy concerning the 'switching on' of the 85 year rule

The business case in respect of early retirements will be considered in line with the terms of reference of the Council's Early Leavers Panel. 'Switching on' of the 85 year rule protections in such cases **will not normally be considered**. Only in **exceptional** circumstances where there is a clear financial or operational advantage for the Authority in so doing or on compassionate grounds would this be considered. This would require authorisation by the Chief Finance Officer and the Head of Organisational Development or their nominated representative.

The discretions contained within this Policy Statement are applicable to all eligible members of the Scheme. The Scheme rules allow for a revised statement to be issued at least one month in advance of the date that any new policy takes effect.

The revised statement must be sent to the Pensions Administering Authority and published in a place that is accessible to all of its eligible scheme members.

The policies made above have regard to the extent to which the exercise of the discretions could lead to a serious loss of confidence in the public service and will be exercised reasonably and only used when there is a real and substantial future benefit to the Council for incurring the extra costs that may arise.

The Council retains the right to change this Policy Statement at any time and only the version which is current at the time a relevant event occurs to an employee will be the one applied to that employee.



Cyngor Bwrdeistref Sirol

Blaenau Gwent

County Borough Council

Redundancy Policy



ORGANISATIONAL DEVELOPMENT DIVISION

Issued: July 2019 Review: July 2021

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1. POLICY STATEMENT

Blaenau Gwent Council is focused on continuous improvement in times of financial challenge and continues to be committed to providing job security for all employees however, the challenging financial situation that Local Government faces may impact on the staffing establishment of the Council.

In order to minimise the impact of reductions in staffing levels the following procedure will be adopted for all employees of the Council. In all circumstances the instigation of this policy will involve consultation and engagement with the trade unions.

In any redundancy situation the Council will ensure that the process is fair and equitable for all concerned and will ensure that all parties are consulted and communicated with at all stages of the process.

2. SCOPE OF THE POLICY

This policy will apply to all members of staff employed at Blaenau Gwent County Borough Council including all school based employees, Teachers and Headteachers **regardless of length of service or contract type**. The policy complies with all relevant legislation and works within the guidelines set out within the ACAS code of practise.

Governing bodies are not obliged to adopt this policy. In such cases where Governing Bodies choose to develop their own policy, legislation must be adhered to and full consultation must take place with all relevant Unions and Professional Associations. Should Governing bodies chose not to adopt this Policy any calculations over and above the agreed payments laid out in this document are to be funded from within the School budget.

It is important that School Governors understand their legal responsibilities for declaring a post(s) redundant and the protocols to be followed in relation to the Council's Corporate Redundancy Panel as the compensating body.

3. DEFINITION OF REDUNDANCY

Redundancy is defined in law as a dismissal for one of the following reasons:

- cessation of business;
- cessation of business at the employee's place of work;
- a reduction or cessation of work; and
- anticipation of a reduction or cessation of work.

In cases where the business or part of the business transfers to another provider, employees are not necessarily redundant and would normally transfer to another employer on their terms and conditions, commonly referred to as "TUPE" regulations (Transfer of Undertakings Protection of Employment).

In the case of schools, redundancy will usually occur because pupils numbers have fallen, resulting in budgetary reductions, which make support for the current level of staffing impossible. There may be other reasons from time to time, for example, a school closure.

Statutory Framework: the Schools Standards and Framework Act 1998 and the Staffing of Maintained Schools (Wales) Regulations 2006 refer to education legislation which reinforces the provision for School Governing Bodies to appoint and dismiss staff. The contract of employment however is between the Council and the employee for Community Schools. For Voluntary Aided Schools the contract of employment is between the Governing Body and the employee.

4. MEASURES TO AVOID REDUNDANCY

Blaenau Gwent Council will consult with the Trade Unions with a view to establishing whether the proposed job losses can be achieved by means other than compulsory redundancies. Similarly Governors should always seek resolutions, which avoid the need for compulsory identification of a member of staff as being surplus to requirement at the school. Consideration will be given to the following alternative options, subject to the Council's immediate urgent operational considerations:

- natural wastage;
- restricting further recruitment of new staff other than where this is essential i.e. front line service;
- restricting the use of sub-contract temporary and casual staff, including termination where practical, of temporary or contract staff;
- reducing the amount of overtime working in the particular service;
- inviting applications for consideration for early retirement, flexible retirement and/or voluntary redundancy (crossmatching);
- requests to job share or part time working;
- redeploying individuals to alternative posts.

5. NOTIFICATION TO THE DEPARTMENT FOR BUSINESS, ENTERPRISE AND REGULATORY REFORM

It is a legal requirement to notify the Department for Business, Enterprise and Regulatory Reform (DBERR) in writing of a proposal to make 20 or more employees redundant within a 90 day period. The OD Division will coordinate this return.

Consultation will start at the earliest opportunity and within the statutory requirements. These are:

- 45 days if 100 or more employees are to be made redundant;
- 30 days for 20-99 employees; and
- for less than 20 employees no notification is required.

6. CONSULTATION

Employees and relevant recognised Trade Unions should be made aware of the proposals for organisational change, and the reasons, at the earliest opportunity. Failure to consult could result in a finding of unfair dismissal by an Employment Tribunal. Before starting any redundancy process, advice should be sought from Organisational Development. A flowchart detailing the consultation process is attached at [Appendix 3a](#).

In the case of Schools, as soon as a budgetary problem is identified, that could lead to a potential redundancy situation, the Headteacher should liaise with Schools Finance and the Organisational Development Teams. If after discussions there is an agreement that there is a redundancy situation, the Trade Unions must be informed and the consultation process commenced. Such action will ensure that the correct support, advice and guidance is provided throughout the process.

Employees have the right to be accompanied by a work colleague or their trade union representative at all stages of the process.

Timescales for Statutory Consultation

There are minimum statutory timescales that indicate when formal consultation should begin. Where possible consultation should allow for further consideration of any counter-proposals and alternatives to redundancy:

- at least 45 days if 100 or more employees are to be made redundant; and
- at least 30 days for 20-99 employees.

The Council will consult with the Trade Unions even if it is proposed that only one employee who: a) belongs to a trade union or b) is affected by collective bargaining, will be made redundant. Consultation must include discussions on ways to:

- avoid or reduce redundancies;
- mitigate its consequences; and
- consider redeployment.

Staff will also receive information through the organisational and directorates staff communication/engagement framework.

Disclosure of Information

The Council has a statutory duty to disclose in writing to the appropriate representatives the following information:

- the reasons for the proposed redundancies;
- the number and descriptions of employees whom it is proposed to dismiss; including agency staff who are contracted for more than 3 months work;
- total number of employees employed in the same place of work;
- the proposed method of selection;
- the proposed method of carrying out the dismissal taking into account any agreed procedure including timescales; and
- method of calculating redundancy payment.

School specific information regarding disclosure is detailed in the Schools Consultation Process ([Appendix 5](#)).

7. SELECTION

Where the redundancy applies to a job held by one individual, the post would be redundant without the need for selection.

Where there are multiple redundancies or a reduction in posts within a group of employees the “pool” of employees from which the redundancies will be drawn must be defined. This might be one team within a Department, a group of employees doing the same job, usually working to the same or similar job description, or those performing a particular function across a number of departments, managers should seek advice from Organisational Development if the selection pool is not clear. [Appendix 2](#) details the grounds that will not be used as criteria when selecting staff for redundancy.

Consultation for employees on Maternity leave will also take place and further guidance on this should be sought from the OD Division.

Selection Criteria

The criteria used for redundancy selection must be fair, clear, objective and non-discriminatory, precisely defined and capable of being applied in an independent way. The criteria must be applied fairly and consistently to all employees at Blaenau Gwent who have been identified as at risk.

If the Council is faced with making compulsory redundancies the selection criteria will be agreed with the trade unions. The criteria applied, will as far as possible, be measurable and supported by documentary evidence. The following list gives examples of the criteria that the organisation may apply.

- Attendance records; including Number of Occasions and Number of days
- Disciplinary records; (Agreed period of time)
- Capability
- Job Knowledge and Skills
- Flexibility
- Timekeeping (Discretionary)

Standard mandatory criteria will be used in all cases and additional discretionary criteria will be used where appropriate dependent on roles identified. The selection criteria will, in all cases, be agreed with the Departmental Manager and Trade Union representatives prior to any consultation meetings taking place. [Appendix 4a](#) details the compulsory and discretionary criteria.

School Based Staff

The criteria outlined in the Redundancy Selection Matrix can be applied to school support staff. For teaching staff the relevant matrix appears in [appendix 5](#). Should the Governors chose to use criteria other than those recommended in this Policy, they must consult with the Trade Union with a view to reaching agreement on the revised criteria.

The Complete Closure of the Relevant Service

As far in advance of the proposed termination date as possible, the appropriate officer, in consultation with the OD Division, will notify all employees as a result of a service or establishment closure where there will be compulsory redundancies proposed.

Management in consultation with the OD Division will then enter into immediate consultation on an individual basis with those employees affected.

In the course of the consultation employees will be informed of the basis of their selection and invited to make representations on their proposed dismissal. Management will give full consideration to any such representations before a confirmed selection for redundancy is made by the appropriate officer in consultation with the OD Division.

Where selection has been confirmed, those selected for redundancy will be given notice of termination in accordance with contractual and/or statutory requirements.

School closures will be subject to the relevant statutory consultation requirements. At the appropriate time all post holders in the school to be closed will be identified as “at risk” of redundancy and be dealt with in accordance with necessary stages of this policy. Representation and appeals procedures will rest with the Governing Body of the closing school.

8. SUITABLE ALTERNATIVE EMPLOYMENT

The Council will make every effort to establish whether there is suitable alternative employment available and offer such employment to the individual(s) concerned. In the case of school based staff this will be in conjunction with the Headteacher and Governing Body. Records of such actions should be maintained. If “suitable alternative employment” is not available redundancy will apply.

The following factors must be considered in determining whether a particular post offers “suitable alternative employment”:

- relevance of an employee’s skills, qualifications, abilities and experience to the requirements of the post;
- the practicality and cost of re-training;
- provide similar earnings including hours of work;
- have similar status; and
- not involve unreasonable additional inconvenience.

The Council will give prior consideration for suitable alternative employment to employees at risk of redundancy provided the employee’s skills and abilities match the essential criteria of the post or will do so with reasonable training. Please see the redeployment policy for guidance. For school based staff historically there has been a high success rate of identifying suitable alternative employment between schools, and Governing Bodies will be requested to maintain their co-operation in facilitating suitable alternative arrangements to mitigate redundancy situations. Crossmatch opportunities will be explored in any redundancy situation.

Trial Period

All posts offered for re-deployment will be subject to a trial period. The length of the trial period will be agreed with the employee prior to a post being taken up, and will generally relate to the complexity and any change of duties undertaken. Detail of trial periods can be found in the [Redeployment Policy](#).

If an employee refuses an offer of alternative employment which the Council deems suitable and the refusal is considered to be unreasonable, the individual will lose their entitlement to a redundancy payment, and potential early access to their pension benefits.

Trial period arrangement should also apply to school based staff where appropriate for a trial to take place.

Ring Fencing

Ring fencing would only normally occur in the following situations:

- **Restructuring:** in a restructuring situation the Authority may, in certain cases where there is a reduction to the overall number of posts consider ring fencing as part of this process.
- **Recruitment:** an employee including school based staff on the “at risk” list who expresses an interest, and meets the essential person specification criteria, will be interviewed. In the event of more than one employee applying for a vacant post, all who meets the essential person specification criteria will be interviewed.

No appointments to ring fenced posts will be made unless:

- A candidate demonstrates sufficiently that they fully possess the requirements of the posts, as laid down in the person specification and as determined by the selection procedure (s).
- A candidate can reasonably be expected to fully meet the requirements of the posts within a reasonable period, with the provision of appropriate training and support. In such cases a “trial period” will apply.
- Where no suitable candidate is found from the “at risk” list, the post may be advertised externally.

Cross matching within Schools

The Organisational Development Division will in liaison with Headteachers maintain a list of school based staff who have expressed an interest in potential redundancy to facilitate crossmatch for staff identified as “at risk”. The list will be referred to in all compulsory redundancy situations.

9. FORMAL NOTIFICATION OF REDUNDANCY

In accordance with this policy, and following a period of consultation notification of redundancy will be given, providing employees with appropriate notice of their employment being terminated.

The notice period will be an individual's contractual or statutory notice period, whichever is **greater**. Wherever possible notice should be worked and not paid in lieu. In those exceptional circumstances where full notice is not worked the balance will be paid in lieu except when a termination date is mutually agreed prior to the contractual date. Then any balance in lieu is not applicable.

	Continuous Service	Statutory Notice
All staff	1 month but less than 2 years 2 years but less than 12 years 12 years or more	1 week 1 week of each year of continuous employment Not less than 12 weeks (unless the contract provides for a greater period)
Teachers	Subject to contract under continuous service	2 months Notice in Autumn and Spring Terms 3 months during the Summer Term Notice to be given no later than 31 st October, 28 th February and 31 st May to take effect at the end of the specified period.
Headteachers	Subject to contract under continuous service	3 months notice in Autumn and Spring Terms* 4 months during the Summer Term* Notice to be given no later than 30 th September, 31 st January and 30 th April to take effect at the end of the specified period.

In cases where notice is not formally provided to the employee by the deadline the Governing Body will be obliged to employ them for an extra period or make payment in lieu of notice, to ensure that the necessary notice periods are complied with. Headteachers are only considered surplus to requirements in the event of a school closure.

10. RIGHT OF APPEAL

The employee has the right of appeal if they believe the redundancy is unjustified or that the selection for redundancy is unfair.

Stage 1 Appeal

Should an employee wish to appeal against their scoring and/or selection then this should be heard in the first instance by a Senior Officer within the department and a member of the OD Division.

Stage 2 Appeal

If an employee wishes to appeal against the decision to dismiss on the grounds of redundancy following their notice being issued the appeal letter should be sent to the OD Division in line with the timeframes set out in the appeals procedure for dismissals.

School based staff

[Appendix 5](#) outlines the appeals process for school based staff, which stipulates specific rights for representation and appeal at Governing Body Panels.

11. COMPENSATION

Clearly, where there is a redundancy, there will be entitlement to redundancy pay and other benefits. Compensation for loss of employment due to redundancy will not be calculated on less favourable terms than in accordance with statutory entitlement laid down in existing legislation. All employees who receive redundancy payments will be given a written notification of their redundancy pay. [Appendix 1](#) details the calculation of redundancy pay.

12. WITHHOLDING REDUNDANCY PAYMENTS

If an employee under notice of redundancy receives an **offer** of work in local government, or a related employer, to commence before the fifth Monday following the date of termination, there will be no entitlement to a redundancy payment. Related employers are those covered by the Redundancy Modification Order.

13. CONTINUITY OF SERVICE

Continuity of service for all employees including school based staff **will not** be broken if the employee receives and accepts an offer of employment with an organisation covered by the **Redundancy Modification Order** before their employment ends with Blaenau Gwent and they start their new job before the 5th Monday following the date of termination of employment. In this situation they will not be entitled to a redundancy payment.

Where a redundancy payment is made, continuity of service will be broken for the purposes of calculating future redundancy payments. However, there is an entitlement to count previous service for notice periods, annual leave, sickness payments and maternity leave, provided that the break has not exceeded 2 years.

In the case of an employee who has more than one job with the Authority, continuity of service will be based on the redundant post. However, if at the time of redundancy the employee is employed under only one contract but in the past has had one or more overlapping contracts the length of service can be counted back to the start of the first contract if the service has been continuous.

14. BUSINESS CASE/APPROVAL MECHANISM

Any termination on the grounds of redundancy or a crossmatch redundancy whereby the Council exercises its discretion must be supported by a business case.

This business case will include consideration of service delivery changes and the financial consequences of any redundancy payment and pension recovery payback over a period no greater than 5 years.

In the case of schools there will be a full consultation process in liaison with the Headteacher, Organisational Development Division and Trade Unions which will result in the school's redundancy protocols being instigated and relevant panels being held as detailed in [Appendix 5](#). An important consideration will be that the redundancy will not be formally declared until the business case for release of compensation has been approved by the Corporate Redundancy Panel, as the compensating body. It is therefore important that there is an early justification for a robust business case and the Headteacher may be required to attend the Corporate Redundancy Panel in support of their business case.

15. EMPLOYEE SUPPORT AND ADVICE

Organisational Development can support redundancy situations and where appropriate signpost to relevant bodies, details of additional support are outlined below:

Time off for attending interviews

Subject to the Council's operational needs and with approval of the relevant line manager, employees will be granted reasonable time off with pay during their notice period to look for work or to seek retraining opportunities in accordance with current legislation.

React Funding

Any member of staff facing redundancy will be able to access government funding for re-training. In addition to this there is an employer subsidy available to potential new employers (subject to eligibility).

Support under the ReAct II scheme is available for individuals who:

- have become unemployed in the last six months as a result of redundancy, are currently unemployed, and who have not been in continuous employment for 6 weeks or more since being made redundant;
- are currently under notice of redundancy;
- have not undertaken any publicly funded training since being made redundant, including the work-based learning suite of programmes.

In any redundancy situation all members of staff will have full access to information regarding REACT funding. In addition to this staff will be granted reasonable time off to attend any appointments with their react advisors. React advisors can also support CV creation and interview technique training depending on requirements.

Business Set Up Support

Staff under notice of redundancy who are thinking of setting up their own business will also have access to specialist advisors for advice and support. Any member of staff facing a redundancy and wishing to receive this advice can request this directly with their Manager who will make the necessary arrangements with the OD Division.

Job Centre Plus/Careers Wales

Job Centre Plus and Careers Wales are able to offer individuals advice on job search, CV compilation, interview techniques. Depending on the scale of redundancies the Council will seek to provide this service in-house. This will be determined in line with Department Managers the OD Division and individuals facing redundancy.

APPENDIX 1: STATUTORY REDUNDANCY PAYMENTS

Currently, statutory redundancy payments depend on:

- length of continuous service by the employing authority/ies;
- how continuous service relates to a particular age band; and
- weekly pay.

Discretionary Payments

The Council exercises its discretion in line with the relevant Pension regulations and guidance. The following discretions will apply:

Redundancy payments will be based on actual earnings as opposed to “statutory” limits however an upper limit of SCP 46 will apply to all redundancies. For staff employed under teacher conditions the cap will be an equivalent amount on the teachers pay scales according to the Teacher’s Pay and Conditions Document.

Payments

Staff who do not have access to their Pension

- A redundancy payment based on the statutory calculator multiplied by 2 up to a maximum of 60 weeks.

Staff who are able to access their Pension

- A redundancy payment based on the statutory calculator up to a maximum of 30 weeks.
- Will have immediate access to unreduced payments of their LGPS/TPS benefits.

Taxation

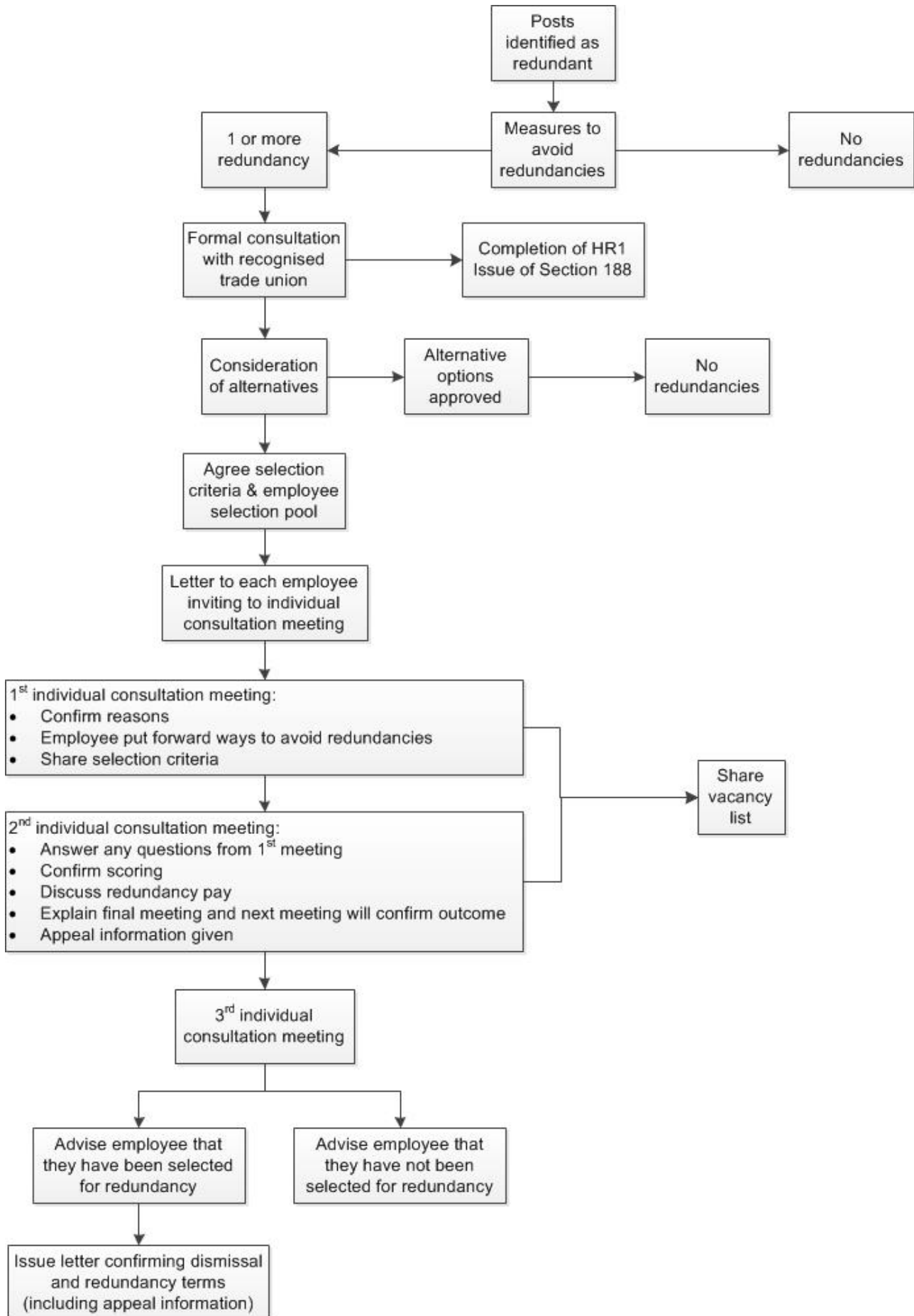
Where a discretionary award exceeds £30,000 the excess is subject to a tax deduction at the individual’s marginal rate. The component subject to assessment is the award of redundancy.

APPENDIX 2: INAPPROPRIATE REDUNDANCY SELECTION CRITERIA

The following grounds shall **not** be used as criteria when selecting staff for compulsory redundancy:

- participation in trade union activities, or membership or non-membership of a trade union
- having requested flexible working arrangements
- having taken lawfully organised industrial action lasting eight weeks or less (or more than eight weeks in certain circumstances)
- having asserted a statutory employment right
- maternity-related reasons, or in relation to other rights for working parents (for example adoption leave and paternity leave)
- having exercised, or sought to exercise, the right to be accompanied at a disciplinary or grievance hearing
- a reason relating to the member of staff's rights under the Working Time Regulations 1998
- a reason relating to the member of staff's rights under the National Minimum Wage Act 1998
- a reason relating to member of staff's rights under the Maternity and Parental Leave etc Regulations 1999
- a reason specified in the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- a reason specified in the Fixed-term Workers (Prevention of Less Favourable Treatment) Regulations 2002
- having made a protected disclosure within the meaning of the Public Interest Disclosure Act 1998
- having taken action on health and safety grounds as a designated or recognised health and safety representative, or as an member of staff in particular circumstances
- having taken part (or proposed to take part) in consultation on specified health and safety matters, or taken part in elections for representatives of member of staff safety

APPENDIX 3A: CONSULTATION PROCESS



APPENDIX 3B: REDUNDANCY PROCEDURE – FLOWCHART FOR SCHOOL BASED STAFF

In the Annual General Meeting, the Governing Body elects a Redundancy Panel and a Redundancy Appeals Panel.



Governing Body/Head Teacher identify a potential staff reduction, after identifying the needs of the school. The OD Division can be contacted for advice. Consultation begins with trade unions and staff.



Skills & Experience Matrix distributed to all relevant teaching staff for completion. Summary Matrix to be completed by Headteacher. Redundancy Selection Matrix completed for support staff tailored to relevant selection pool and summary matrix completed by Headteacher.



Redundancy Panel uses criteria to identify staff as surplus to requirements, using the summary matrix.



Headteacher notifies staff that they have been identified as surplus to requirements and that they have the right of representation to the Redundancy Panel. LEA confirms the decision of the panel.



If required, the Redundancy Panel considers representations. The member of staff has a right to be present at a formal hearing where the right to natural justice will apply.



If the representations are rejected, the employee should be notified in writing and informed of their right of appeal.



If there is an appeal, the Redundancy Appeals panel will conduct a complete re-hearing of the case.



The decision of the Redundancy Appeals Panel is final subject to authorisation by the Corporate Redundancy Panel.



The Corporate Director of Education must be officially notified of the decision at the Corporate Redundancy Panel.

APPENDIX 3C: REDUNDANCY PROCEDURE – FLOWCHART FOR NON SCHOOL BASED STAFF

Following 1st consultation meeting with staff in line with the Council's Redundancy Policy, agree job description for post to ensure appropriate detail and information is transferred to matrix.



Agree a timeframe to complete the matrix; the date the scoring will be based on; the date the matrix will be finalised and a timetable of all meetings, in order to give all interested parties clear information.



Ascertain which system the information is to be checked against, i.e. iTrent and establish OD contact to ensure continuity throughout the process. The same manager is to be involved throughout the process.



Arrange pre-meeting with OD and an independent officer to quality assure the scoring.



Arrange 2nd consultation meeting to explain the matrix scores with staff, give the right to appeal the decision as set out in the Policy.



Following the expiry of the appeal period, arrange 3rd consultation meeting to confirm the staff not selected for redundancy and discuss the options with the staff that have been selected for redundancy that are now at risk.



Following the decision by the corporate redundancy panel; issue final notice letter to the unsuccessful staff giving right of appeal against dismissal.

Redundancy Selection Matrix

Proposal:

Officer Lead:

Effective date of scoring:

Number of Redundancies:

Number of staff in Selection Pool:

Selection Pool Description:

Employee Name:

Designation:

Grade:

Length of Service (Mandatory)

Score:

The Council uses length of service as part of the selection criteria and recognises that this cannot be used as the only qualifying factor in selection for redundancy. The Council's aim is to apply this as part of the selection criteria for redundancy. In addition to this the council will also apply length of service as a factor in a tie-break situation. Where there is a tiebreaker in respect of the scoring, final selection will be made by reference to length of Service, where the person with the longest continuous (unbroken) local government service will be retained.

1 Day – 1 years service	5
1 year – 3 years service	10
3 years – 5 years service	15
5 years – 10 years service	20
10 – 15 years service	25
15 years or more	30

Attendance Record (Mandatory)

For the purpose of attendance records the Council will score the Attendance Record criteria over a 4 year period with effect from the date of marking. All individuals within the selection pool including those not selected for redundancy will be subject to further scoring for selection. The Council reserves the right to revisit the scoring at any point during the notice period.

Please note that consideration is required upon absences that could fall within the remit of the Equality Act 2010. Further advice and guidance is available from Organisational Development, and is available at:

<https://www.gov.uk/definition-of-disability-under-equality-act-2010>

In cases whereby absences maybe linked to a work related accident, these should be considered separately.

Occasions of Absence (Mandatory)

Score:

7 or more periods of absence	0
5 - 6 periods of absence	10
3 - 4 periods of Absence	20
1 – 2 periods of Absence	30
No Absences	40

Occasions of Absence are the number of times a person has been off sick over the previous 4 years i.e. 1 period of 4 weeks absence and 1 period of 2 days absence would be 2 occasions. This must be formally recorded and available for review by the employee.

Days of Absence (Mandatory)

Score:

41 or more days	0
31 – 40	5
21 – 30	10
11 – 20	15
1 – 10	20
Nil	25

Days of absence are the total amount of days lost to absence.

Disciplinary Record (Mandatory)Score:

Only disciplinary warnings that are current and do not expire prior to the date of termination will be used when scoring this section.

Final Written Warning	0
First Written Warning	10
Nothing on Record	20

Capability (Mandatory)Score:

Has entered into stage 3 of the capability process and is being considered for re-deployment, further monitoring or dismissal.	0
Has entered into stage 2 of the capability process and is currently working to a development plan to improve performance.	5
Has entered into stage 1 of the capability process and is currently working to a development plan to improve performance.	10
(Evidenced) Issues of performance being addressed through, supervision, performance management and training. As defined in the Capability Policy.	15
Nothing on Record	20

Job Knowledge Skills (Mandatory)Score:

Tailored to each Selection Pool (maximum of 20 points).

Essential Qualifications & Experience:

- This would be Essential Criteria from the agreed JD.
- Maximum of 10 points if staff are also being scored in undertaking duties across the council.
- If the individuals going through the matrix are static members of staff (i.e. office based) the maximum point scored for this section should be 20 points.

Flexibility (Mandatory)Score:

- Tailored to each Selection Pool (maximum of 10 points).
- Transferable skills across the Directorate/Council e.g. managing staff, budgets, IT skills (maximum of 10 points).

Timekeeping (Discretionary)Score:

Timekeeping criteria will only be applied when the selection pool are required to work varying shift patterns.

8 or more	0
5 – 7	5
2 – 5	10
No lateness	15

Maximum Points Achievable: Actual Points Achieved: Scoring Manager Signature: Print Name: Date: Quality Assured Signature: Print Name: Date: Employee Signature: Print Name: Date: I can confirm that I : Agree Disagree with the scoring of the matrix

If disagree, please stipulate the grounds in which you are disagreeing.

NB: by completing this section, an appeal against the scoring of your matrix will be raised.

Supporting Evidence

APPENDIX 4B: REDUNDANCY SELECTION MATRIX (MANAGER'S GUIDE)

**Blaenau Gwent County Borough Council
Redundancy Selection Matrix**

Please note that the date of scoring will need to be agreed with the Manager and Trade Union/Representative prior to the exercise taking place. All employees in the selection pool should be marked at the same effective date.

Proposal:

Officer Lead:

Effective date of scoring:

Number of Redundancies: Number of staff in Selection Pool:

Selection Pool Description:

Employee Name:

Designation: Grade:

Length of Service (Mandatory) Score:

The Council uses length of service as part of the selection criteria and recognises that this cannot be used as the only qualifying factor in selection for redundancy. The Council's aim is to apply this as part of the selection criteria for redundancy. In addition to this the council will also apply length of service as a factor in a tie-break situation. Where there is a tiebreaker in respect of the scoring, final selection will be made by reference to length of Service, where the person with the longest continuous (unbroken) local government service will be retained.

When calculating Service points, the Local Government continuous service date is required to be used. Please note the reference to Service being used in a tie-break situation. This would only apply to staff being assessed in the same selection pool.

1 Day – 1 years service	5
1 year – 3 years service	10
3 years – 5 years service	15
5 years – 10 years service	20
10 – 15 years service	25
15 years or more	30

Attendance Record (Mandatory)

For the purpose of attendance records the Council will score the Attendance Record criteria over a 4 year period with effect from the date of marking. All individuals within the selection pool including those not selected for redundancy will be subject to further scoring for selection. The Council reserves the right to revisit the scoring at any point during the notice period.

In this circumstance explanation and agreement with Trade Union/Representative/Manager/ Individual that any absence taken within the notice period may alter the scoring further, and this will be discussed on a case by case basis.

Please note that consideration is required upon absences that could fall within the remit of the Equality Act 2010. Further advice and guidance is available from Organisational Development, and is available at:

<https://www.gov.uk/definition-of-disability-under-equality-act-2010>

In cases whereby absences maybe linked to a work related accident, these should be considered separately.

Occasions of Absence (Mandatory)

Score:

7 or more periods of absence	0
5 - 6 periods of absence	10
3 - 4 periods of Absence	20
1 – 2 periods of Absence	30
No Absences	40

Occasions of Absence are the number of times a person has been off sick over the previous 4 years i.e. 1 period of 4 weeks absence and 1 period of 2 days absence would be 2 occasions. This must be formally recorded and available for review by the employee.

Days of Absence (Mandatory)

Score:

41 or more days	0
31 – 40	5
21 – 30	10
11 – 20	15
1 – 10	20
Nil	25

Days of absence are the total amount of days lost to absence.

Disciplinary Record (Mandatory)Score:

Only disciplinary warnings that are current and do not expire prior to the date of termination will be used when scoring this section.

Final Written Warning	0
First Written Warning	10
Nothing on Record	20

The above is self explanatory and any current warnings on file will determine the score.

Capability (Mandatory)Score:

Has entered into stage 3 of the capability process and is being considered for re-deployment, further monitoring or dismissal.	0
Has entered into stage 2 of the capability process and is currently working to a development plan to improve performance.	5
Has entered into stage 1 of the capability process and is currently working to a development plan to improve performance.	10
(Evidenced) Issues of performance being addressed through, supervision, performance management and training. As defined in the Capability Policy.	15
Nothing on Record	20

The above is in line with the Capability Policy and should the employee have commenced this process, the scores must reflect this.

Job Knowledge Skills (Mandatory)Score:

Tailored to each Selection Pool (maximum of 20 points).

Essential Qualifications & Experience:

- This would be Essential Criteria from the agreed JD.
- Maximum of 10 points if staff are also being scored in undertaking duties across the council.
- If the individuals going through the matrix are static members of staff (i.e. office based) the maximum point scored for this section should be 20 points.

Examples are the flexibility to cover other roles within the department i.e. Recreational Assistant covering a Duty Manager, a Home Carer covering Duty Planner. Consideration can also include covering different areas of work within the department or being able to work across functions.

Where possible this should be objective and would relate to specific skills required for the role. This could include qualifications, skills, and specialist skills. This may also relate to particular tasks in the department that all employees within the selection pool should have had equal opportunity to train/carry out.

The criteria for this section must be mutually agreed with the Manager and the Union/representatives.

Flexibility (Mandatory)Score:

- Tailored to each Selection Pool (maximum of 10 points).
- Transferable skills across the Directorate/Council e.g. managing staff, budgets, IT skills (maximum of 10 points).

The criteria for this section must be mutually agreed with the Manager and the Union/representatives.

Timekeeping (Discretionary)Score:

Timekeeping criteria will only be applied when the selection pool are required to work varying shift patterns.

8 or more	0
5 – 7	5
2 – 5	10
No lateness	15

This should only be applied if the individuals affected work set shift patterns/times and also if the criteria is applied across the selection group.

Maximum Points Achievable: Actual Points Achieved:

Scoring Manager Signature:

Print Name: Date:

Quality Assured Signature:

Print Name: Date:

Employee Signature:

Print Name: Date:

I can confirm that I :

Agree Disagree with the scoring of the matrix

If disagree, please stipulate the grounds in which you are disagreeing.
 NB: by completing this section, an appeal against the scoring of your matrix will be raised.

Supporting Evidence

Manager to provide supporting evidence as to the rationale behind the points awarded e.g. sickness absence records, rationale for scoring in the job knowledge and skills and flexibility.

[Empty box for providing supporting evidence]

APPENDIX 5: ADDITIONAL GUIDANCE FOR SCHOOLS

Consultation Process

The Governing Body, usually through the Headteacher, has a duty to consult with the staff and trade unions. Any proposals on alternative options at consultation stage will also be considered by the Headteacher and Governing Body. The Headteacher should call a meeting at the earliest opportunity and invite the relevant Trade Unions. The purpose of the meeting is to inform all staff of the possibility of one or more redundancies and to explore the way in which this may be prevented, such as the methods of natural wastage, staff reducing hours, voluntary retirement etc. If these possibilities do not resolve the need for redundancies, then a compulsory process should be implemented. It is vital that any staff members who are absent are kept informed of the situation and consulted.

Establishment of Committees

At the Annual General Meeting, the Governing Body should elect or appoint two committees: the Redundancy Committee and the Redundancy Appeals Committee. It is recommended that each committee consists of at least three people, with five as a maximum, an odd number being recommended to produce a clear result in the event of a vote being taken on any issue.

It is strongly recommended that the Chair of Governors does not sit on either of the committees, as it is normal practice for him/her to be involved in the redundancy process with the Headteacher throughout. It is also important that staff members do not sit on either of these committees, as impartiality could not be ensured.

Establishment of Criteria

The Governing Body should have clearly defined criteria for selection of posts to be declared surplus to requirement at the school. These should be agreed by the Governing Body and publicised within school, with a statement giving a commitment to a fair, consistent, objective and non-discriminatory selection process.

Should the governors choose to use criteria other than those recommended by the Council, they must consult the trade unions, with a view to reaching agreement on the revised criteria.

The Council, however, recommends that Governors adopt the procedures within this document, which have been agreed with the recognised trades unions.

Selection Process

Background Information

In selecting criteria for identification of a post to be declared 'surplus to requirement' at a school, governors must take care to avoid use of criteria which would discriminate under the terms of the Equality Act 2010.

Clearly the process should identify a post - which is filled by an individual - but should not be aimed at justifying the selection of an individual per se.

Assessment of Needs

In order to identify the specific areas of surplus capacity, an assessment of needs should be carried out across the whole school. The Headteacher will be required to:

- Identify current and projected pupil number trends;
- Identify current and future curriculum needs;
- Identify any organisational and management requirements of the school.

In Secondary Schools a curriculum audit should be completed, which will identify the needs of the school within each subject area. Clearly this cannot be achieved until the options process has been completed and projected pupil numbers are known.

It is imperative that this information is documented accurately, as it will form the basis of any potential redundancies and could be challenged at a later date. Please be aware that this process has to be carried out in a timely manner, in order to ensure that notice periods will be adhered to.

Having identified the needs of your school, it is advisable that you contact your Council representatives in Resources and Organisational Development for advice.

Selection Criteria

In the event that all options have been unsuccessful in avoiding a compulsory redundancy situation, the adopted selection criteria must be used to identify the appropriate 'surplus' post(s).

The relevant forms (Skills and Experience Matrix) to be issued to all teaching staff within the Primary and Secondary sector respectively are attached. These forms identify the relevant agreed set of criteria for teaching posts within each sector, which will enable the Headteacher and governors to match the needs of the school with the skills and experience of the teaching staff.

Due to the number and diverse nature of support staff posts within schools, a set of criteria has not been agreed in its entirety for such staff. However, it has been agreed with the trade unions that the template in this Policy at [Appendix 4a](#) is used in all cases and is added to, according to the needs of the post. It should be pointed out that such criteria must be drawn up and agreed with the trade unions prior to any redundancy negotiations beginning.

A copy of the relevant form must be issued to all relevant staff for completion, with an explanation of its purpose. In order to ensure that all staff are fully aware of the process, a copy of this policy must be issued with the appropriate form.

It is imperative that any staff who are absent are also made aware and participate in the process. Please contact the Organisational Development Service Partner, who will advise you on the most appropriate course of action.

It is imperative that all staff are afforded sufficient time to complete the form and are provided with any necessary advice and guidance on its completion. All staff members should be made aware of the support that is available through the line management and Trade Union, in the completion of the form. On completion of the form, staff should meet with their line manager to discuss and agree its content.

Skills and Experience Matrix – Completion of the Form

The purpose of the Redundancy Selection Matrices is to enable relevant teaching and support staff to demonstrate the skills, knowledge, experience, etc that they have, which meet the current and future needs of the school. Staff should be aware that the data will be collected and used as part of an exercise to match their skills and experience to the current and future needs of the school. It is, therefore, important that all staff invest sufficient time and effort into its completion, as it forms the basis of the decision-making regarding the redundancy.

On completion of the form, the individual will meet with his or her line manager, in order to discuss the content, so that any discrepancies can be highlighted. At this meeting, documents such as job descriptions, person specifications, training records etc. should be available for supporting information. On agreement of the content of the form, the member of staff and line manager sign the bottom. All completed and signed forms should be returned to the Headteacher.

In the event of a member of staff being unable to complete the form, it will fall to a line manager to undertake this task, with the appropriate consultation. In such cases, the completed form will be sent to the individual for their information. They will then be given the opportunity to make any amendments and additions, within a given timescale. Support from the line manager will be available to assist in this process.

Failure to return the form will result in the original version being used in the process. The member of staff will be informed that this is the case.

Completion of the Summary Matrix

On receipt of the completed forms, the Headteacher or School Management Team member(s) must transfer the information onto the appropriate Summary Matrix sheet (see appendices). It is important that the information is anonymised when transferred onto the Summary Matrix, in order to ensure a fair process throughout. The Teacher No or Staff No should be completed at the top of each Criteria Matrix form and then transferred onto the Summary Matrix sheet.

In Secondary Schools, the completed forms will form the basis of any 'bumping' that can be achieved within the various subject areas. Headteachers should use the information provided on the Criteria Matrix too see whether internal staff movement within subject areas can be achieved, in order to remove surplus capacity. When this process has been exhausted, a clear picture will have emerged of where the surplus capacity remains. It must be stressed that consultation with staff is imperative during this process.

On completion of the 'bumping' process, the Summary Matrix will be completed for the subjects in which there is surplus capacity only.

Support and guidance throughout the process will be available from the Organisational Development Service Partner.

The Role of the Panel

A member of the OD Division and/or the Governor's Support Division will attend all relevant meetings to guide governors through the process and deal with the administration and consultation with the Trade Unions.

In the event that a sufficient number of staff members volunteer to accept redundancy, the panel members will be required to approve the redundancy on these grounds. However, in the event of more staff volunteering for redundancy than the number of surplus posts, the process below should be carried out, but for the volunteers only.

At the Redundancy Panel hearing, the Headteacher will explain the process adopted to date and what has been identified as the current and future needs of the school. The appropriate documentation is then issued for discussion. The Headteacher will then circulate and explain the anonymised Criteria Matrix and Summary Matrix sheets, which provide all necessary information on the relevant staff members. The panel members will then be required to match the skills and experience of the individual staff members to the needs of the school.

It should be noted that, in Secondary schools, information should be provided only for the areas of surplus capacity.

Only Part 1 of the form should be considered at this stage. If the information does not identify the required 'surplus' posts, the length of service should be considered as the deciding factor. In this case, the person with the shortest length of service with the Authority will be selected for redundancy.

Following the Hearing

Following the Redundancy Hearing, the Headteacher and Chair of the Panel should arrange to meet with the selected individual to communicate the outcome and the right to appeal, as per this policy. The meeting should also be an opportunity for the individual to ask any questions about the process and to discuss any other relevant issues.

The decision of the Redundancy panel will be communicated in writing by the Council, within seven calendar days.

As outlined the employee has the right to appeal against the decision of the Redundancy panel, in the form of a Representation Hearing. Following the outcome of the Representation Hearing, the employee has one final right to appeal to the Redundancy Appeal Panel. This is a complete rehearing of the case, with a fresh panel of Governors who have no prior knowledge of the case.

Council Panel Meeting

On completion of the process, the final authorisation is granted by the Council via a panel of Officers, comprising of representatives from Resources and Organisational Development. The decision is based on the presentation of a sound business case. Please refer to the section on Business Case/Approval Mechanism.

Representation Hearings

The purpose of this meeting is to receive representations from the member(s) of staff identified as 'surplus to requirement'. These should be on the basis of incorrect identification e.g. "I am a geographer not an historian", "I have skills in the area of x" etc.

The teacher should be encouraged to bring a colleague or trade union representative to the meeting.

Procedurally the meeting should follow this course:

- All panel members are asked to confirm that they are able to act impartially. A Chair should be elected for the duration of the Hearing.
- The Headteacher will outline the reason for the proposed redundancy (ies) and the criteria used in identifying the post in question.
- The staff member (colleague or trade union representative) may ask questions of the Head Teacher.
- Members of the Panel may seek clarification of points from the Head Teacher.
- The staff member (colleague or trade union representative) makes their representation.
- The Headteacher may ask questions of the staff member.
- The Panel may ask questions of the staff member (colleague or trade union representative).
- Both parties may sum up their case, the Head Teacher summing up first.
- The Headteacher and staff member (colleague or trade union representative) shall leave the room whilst the Panel consider the representations made to them.

- At this point advice to the panel may be offered by the relevant Support Officer in attendance.
- The parties shall return and the decision of the panel given verbally including notification of the right of appeal to the Redundancy Appeals Committee, if the representation has been rejected.

The decision of the panel will be communicated in writing to the staff member within seven calendar days and arrangements to exercise the right of appeal will be outlined in that letter.

Appeal Hearing

The Appeal Hearing should follow the pattern of the Representation hearing, but it is a complete rehearing of the case with a fresh panel of governors, who have no knowledge of the arguments and cases put previously.

The remit of this meeting is wider than that of the representation meeting. Not only might the committee hear argument on wrong identification but also on whether a genuine redundancy situation exists.

Once more the staff member is encouraged to have a colleague or trade union representative with them.

The procedure for the meeting follows that of the Representation Hearing:

- All committee members are asked to confirm that they are able to act impartially. A Chair should be elected for the duration of the Hearing.
- The Headteacher will outline the reason for the declaration and the criteria used in identifying the post in question.
- The teacher (colleague or trade union representative) may ask questions of the Headteacher.
- Members of the Committee may seek clarification of points from the Head Teacher.
- The staff member (colleague or trade union representative) will make their representation.
- The Headteacher may ask questions of the staff member.
- The Committee may ask questions of the staff member (colleague or trade union representative).
- Both parties may sum up their case, the Headteacher summing up first.
- The Headteacher and staff member (colleague or trade union representative) shall leave the room whilst the Committee consider the representations made to them.

- At this point advice to the Committee may be offered the relevant officer.
- The parties shall return and the decision of the Committee given verbally.

The decision of the Committee will be communicated in writing to the staff member within seven calendar days.

The decision of the appeals committee is final.

Redundancy/Appeal Committee

In the event of a compulsory redundancy being identified, the member of staff has the right to make representations to the Schools Redundancy Committee and then appeal against the decision to the Schools Appeal Committee. In circumstances where the employee wishes to exercise this right of representation, initially to the redundancy Committee, they have a period of 7 calendar days to inform the Chief Education Officer, in writing of their intentions and why. The 7 days takes effect from the date on which the employee is informed of the decision in writing.

The outcome of the representation hearing will be communicated to the individual within 7 calendar days. In the event that the employee is not satisfied with the outcome of representation hearing they have a right to appeal to the Redundancy Appeal Committee. In this case the employee will have 7 calendar days to notify the Chief Education Officer, in writing, if they wish to appeal against the representation decision to this Committee.

At the Annual General Meeting the governing body should elect or appoint two panels: the Redundancy Committee and the Redundancy Appeals Committee. It is recommended that each committee consist of at least 3 people, with 5 as a maximum.

It is strongly recommended that the Chair of Governors does not sit on either of the Committees, as it is normal practice for them to be involved in the redundancy process with the Head teacher throughout. It is also important that staff members do not sit on either of these Committees, as impartiality could not be ensured.

Teachers Redundancy Selection Matrix

Name of School:

Proposal:

Headteacher:

Effective date of scoring:

Number Of staff in Selection Pool:

Selection Pool Description:

Employee Name:

Designation:

Grade:

Schools should determine criteria that are relevant to their own school and the circumstances of the reduction in staffing in the School, Faculty or Department. Any changes to the template should be made in consultation with relevant Trade Unions.

Specific Skills and Experience (Mandatory)

Please provide information to support your matrix in the supporting evidence column. **Please complete the matrix electronically as the rows will then expand with the information included.**

Relevant Teaching Skills	Supporting Evidence (For completion by employee and agreed by a nominated manager)	Score Guide (Scoring to be completed by nominated manager – not for completion by employee)	Score (for completion by Manager)
Foundation/ Nursery		Experience of having taught in last 3 years = 3 Experience of having taught in last 5 years = 2 Experience but not in last 5 years=1 No Experience = 0	
KS2		Experience of having taught in last 3 years = 3 Experience of having taught in last 5 years = 2 Experience but not in last 5 years=1 No Experience = 0	
KS3		Experience of having taught in last 3 years = 3 Experience of having taught in last 5 years = 2 Experience but not in last 5 years=1 No Experience = 0	
KS4		Experience of having taught in last 3 years = 3 Experience of having taught in last 5 years = 2 Experience but not in last 5 years=1 No Experience = 0	
Subjects Taught (please list):		Not scored	

Specialist Relevant Skills – Examples	Supporting Evidence (For completion by employee and agreed by a nominated manager)	Score Guide (Scoring to be completed by nominated manager – not for completion by employee)	Score
Degree in relevant subject taught		3	
Crosscutting skills/Added Value (relating to the curriculum)		3	
Subject Leadership/ Key Stage Leadership/ Year management role/ Leadership Role/ TLR Post Holder		Experience in any of these areas in the last 3 years = 3 Experience in last 5 years = 2	
Literacy, numeracy and digital competency		Expert/Uses in practice and has taught others = 3 Confident/Intermediate user = 2 Basic use = 1	
Science/Technology		Expert/Uses in practice and has taught others = 3 Confident/Intermediate user = 2 Basic use = 1	
Wider curriculum contribution		Up to 3 points (Criteria to be school specific and agreed with Trade Unions)	

Training and Development	Supporting Evidence (For completion by employee and agreed by a nominated manager)	Score Guide (Scoring to be completed by nominated manager – not for completion by employee)	Score
Post-graduate qualification		Working towards - 1 Achieved - 3	
Other relevant qualifications		Working towards - 1 Achieved - 3	
Contribution towards a self improving schools		Up to 3	

Maximum Points Achievable:

Actual Points Achieved:

Scoring Manager Signature:

Print Name:

Date:

Quality Assured Signature:

Print Name:

Date:

Employee Signature:

Print Name:

Date:

I can confirm that I :

Agree

Disagree with the scoring of the matrix

If disagree, please stipulate the grounds in which you are disagreeing.

NB: by completing this section, an appeal against the scoring of your matrix will be raised.

TIEBREAKER SITUATION

In the event of more than one teacher achieving the same score in the application of the above criteria; the decision may be concluded by using the attendance record.

Attendance Record (Mandatory)

For the purpose of attendance records the School will score the Attendance Record criteria over a 4 year period with effect from the date of marking. All individuals in the tiebreak situation will be subject to further scoring for selection. In the event that not all employees have been employed for a period of 4 years, a period of the last rolling 12 months will be applied. The School reserves the right to revisit the scoring at any point during the notice period.

Please note that consideration is required upon absences that could fall within the remit of the Equality Act 2010. Further advice and guidance is available from Organisational Development, and is available at: <https://www.gov.uk/definition-of-disability-under-equality-act-2010>

In cases whereby absences maybe linked to a work related accident, these should be considered separately.

Occasions of Absence (Mandatory)

Score:

7 or more periods of absence	0
5 - 6 periods of absence	10
3 - 4 periods of Absence	20
1 – 2 periods of Absence	30
No Absences	40

Occasions of Absence are the number of times a person has been off sick over the previous 4 years i.e. 1 period of 4 weeks absence and 1 period of 2 days absence would be 2 occasions. This must be formally recorded and available for review by the employee.

Days of Absence (Mandatory)

Score:

41 or more days	0
31 – 40	5
21 – 30	10
11 – 20	15
1 – 10	20
Nil	25

Days of absence are the total amount of days lost to absence.

In the event that the Attendance Record does not resolve the tie-break situation then length of service will be included.

Length of Service

Where there is still a tiebreaker in respect of the scoring, final selection will be made by reference to length of Service, where the person with the longest continuous (unbroken) local government service will be retained.

Maximum Points Achievable:

Actual Points Achieved:

Scoring Manager Signature:

Print Name:

Date:

Quality Assured Signature:

Print Name:

Date:

Employee Signature:

Print Name:

Date:

I can confirm that I :

Agree Disagree with the scoring of the matrix

If disagree, please stipulate the grounds in which you are disagreeing.

NB: by completing this section, an appeal against the scoring of your matrix with be raised.

In the Interests of the Efficiency of the Service Policy



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1. INTRODUCTION

Blaenau Gwent Council recognises that the people we employ are our most valuable asset and critical in developing modern, high quality, efficient and responsive customer focused public services.

Whilst it is the Council's intention to develop and provide a stable work environment and security of employment for all its employees, it must ensure that it provides a viable, high quality, value for money service to the Community. In this respect circumstances may arise where changes in the market, technology, organisational and/or statutory requirements necessitate the need for changes in staffing requirements for a service which may lead to termination of contracts "in the interests of the efficiency of the service".

2. DEFINITION OF EFFICIENCY

Termination on the grounds of efficiency unlike redundancy is not a dismissal, it is a mutual agreement of termination of a contract of employment by both parties i.e. employee and the Council. This is also considered to be in the best interests of both parties.

Compensation on terminating employees on these grounds is entirely at the Authority's discretion. The discretion will not be exercised as an alternative to dealing with the matter of inadequate performance through properly presented procedures.

3. COMPENSATION

Clearly where there is a termination on the grounds of efficiency, there will be entitlement to compensation for the loss of the employment.

4. DISCRETIONARY PAYMENTS

The Council exercises its discretion in line with the Local Government Pension Scheme Regulations 1997 (as amended) and the Local Government (Early Retirement of Employment) (England and Wales) Regulations 2000, 2006 and 2008 (as amended) – generally called the Discretionary Compensation Regulations. Individuals who terminate on the grounds of efficiency:

a) **Aged over 55 years**

Individuals will have immediate access to an unreduced payment of their LGPS benefits.

b) **Aged under 55 years**

Individuals may receive a compensation payment equivalent to that calculated for redundancy as outlined in the Council's Redundancy Policy for those staff who do not have access to their pension.

5. BUSINESS CASE/APPROVAL MECHANISM

Any termination on the grounds of Efficiency whereby the Council exercises its discretion must be supported by a business case.

This business case will include consideration of service delivery changes and the financial consequences of any efficiency compensation and pension recovery payback over a period no greater than 5 years.

6. EMPLOYEE SUPPORT AND ADVICE

Employee Assistance Programme

Support is available through the Council's Employee Assistance Programme (Care first) on **telephone number 0800 174319**. Further information is available on the [intranet](#).

Additional Support

Managers may consider offering support to employees (e.g. help with CV's, retraining, personal support/accessibility). Organisational Development can advise on these options.