

Committee: Personnel Committee
Date: Thursday 7 July 2011
Time: 6.30 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor Victoria Irvine (Chairman)	Councillor Lawrie Stratford (Vice-Chairman)
Councillor Ken Attack	Councillor Norman Bolster
Councillor Russell Hurle	Councillor Mike Kerford-Byrnes
Councillor George Parish	Councillor G A Reynolds
Councillor Alaric Rose	Councillor Rose Stratford
Councillor Lynda Thirzie Smart	Councillor Barry Wood

AGENDA

1. Apologies for Absence and Notification of Substitute Members

2. Declarations of Interest

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.

3. Petitions and Requests to Address the Meeting

The Chairman to report on any requests to submit petitions or to address the meeting.

4. Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

5. **Minutes** (Pages 1 - 6)

To confirm as a correct record the Minutes of the meetings of the Committees held on 15 December 2010 and 18 May 2011.

6. **Review and Implementation of the Joint Senior Management Structure** (Pages 7 - 34)

Report of Chief Executive

Summary

The purpose of this report is to advise the Committee of the proposed structure for the Joint Management Team together with the appropriate job descriptions, person specifications and terms of employment and to outline the timetable for the consultation process. These documents are set out in **(Appendices 1-6)**

At the time of drafting this report, both Councils are currently in the middle of the Consultation process which will end on 28 June. The Committee will be updated on the final consultation responses at the meeting on 6 July.

Recommendations

The Personnel Committee is recommended:

- (1) To consider the proposal within the report and to comment upon the appended report and to take account of the timetable in Section 7 of the report,
- (2) The comments from this Committee will be reported to the next meeting of the Joint Personnel Committee on 13 July before a formal recommendation is taken to both Council Meetings on the 26 July (CDC) and 27 July (SNC).

7. **Organisational Change Policy** (Pages 35 - 76)

Report of Head of People and Improvement

Summary

This report requests approval for the new joint policy on Organisational Change. The policy is intended to cover all staff employed in both Cherwell District Council and South Northamptonshire Council.

Recommendations

The Personnel Committee is recommended:

- (1) To endorse and approve the attached policy for all staff with immediate effect.

8. Car User Policy Update (Pages 77 - 82)

Report of Head of People and Improvement

Summary

To consider the Council's policy in relation to car and mileage allowances.

Recommendations

The Personnel Committee is recommended:

- (1) To approve the changes to the Council's car user policy

9. Age Retirement Policy Update (Pages 83 - 96)

Report of Head of People and Improvement

Summary

To consider the Council's policy in relation to age retirement.

Recommendations

The Personnel Committee is recommended:

- (1) To approve the withdrawal of the Council's age retirement policy.

10. Employment Statistics Quarter 3 - 2010/11 (Pages 97 - 104)

Report of Head of People and Improvement

Summary

This report details employment statistics for Quarter 3 2010/11, by Directorate, for information and monitoring purposes.

Recommendations

The Personnel Committee is recommended:

- (1) To resolve to note the contents of this report

11. Employment Statistics Quarter 4 - 2010/11 (Pages 105 - 112)

Report of Head of People and Improvement

Summary

This report details employment statistics for Quarter 4 2010/11, by Directorate, for information and monitoring purposes.

Recommendations

The Personnel Committee is recommended:

- (1) To resolve to note the contents of this report

Pay Grades April 2011 - April 2012 (For Information)

Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.

Information about this Meeting

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or (01295) 221587 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item. The definition of personal and prejudicial interests is set out in the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

Personal Interest: Members must declare the interest but may stay in the room, debate and vote on the issue.

Prejudicial Interest: Member must withdraw from the meeting room and should inform the Chairman accordingly.

With the exception of the some very specific circumstances, a Member with a personal interest also has a prejudicial interest if it is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact James Doble, Legal and Democratic Services james.doble@cherwell-dc.gov.uk (01295) 221591

Sue Smith
Chief Executive

Published on Wednesday 29 June 2011

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Agenda Item 5

Cherwell District Council

Personnel Committee

Minutes of a meeting of the Personnel Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 15 December 2010 at 6.30 pm

Present: Councillor Ken Atack (Chairman)
Councillor Russell Hurle
Councillor G A Reynolds
Councillor Lawrie Stratford
Councillor Barry Wood

Substitute Members: Councillor Patricia Tompson (In place of Councillor Norman Bolster)

Apologies for absence: Councillor Victoria Irvine
Councillor Rick Atkinson
Councillor Norman Bolster
Councillor Chris Smithson
Councillor Rose Stratford
Councillor Lynda Thirzie Smart
Councillor Douglas Williamson

Officers: AnneMarie Scott, Head of People and Improvement
Stephanie Rew, HR Manager
James Doble, Democratic, Scrutiny and Elections Manager

28 **Appointment of Chairman**

In the absence of the Chairman and Vice-Chairman the committee agreed unanimously that Councillor Atack be appointed Chairman for the meeting.

29 **Declarations of Interest**

There were no declarations of interest.

30 **Petitions and Requests to Address the Meeting**

There were no petitions or requests to address the meeting.

31 **Urgent Business**

There were no items of urgent business.

32 **Minutes**

The minutes of the meetings held on 18 November 2010 were agreed as a correct record and signed by Chairman.

33 **Employment Statistics Quarter 2 - 2010/2011**

The Head of People and Improvement submitted a report detailing employment statistics, by Directorate, for information and monitoring purposes.

Resolved

(1) That the contents of this report be noted,

34 **Terms of Reference of Joint Personnel Committee and Joint Appeals Committee**

The Head of People and Improvement submitted the Terms of Reference of the Joint Personnel Committee and Joint Appeals Committee and the resultant effect on the Cherwell District Council Personnel Committee.

Resolved

(1) That the Terms of Reference be noted.

35 **Staff Liaison Coordinator**

The Head of People and Improvement submitted a report to approve the extension of the current secondment to the post of Staff Liaison Coordinator.

Resolved

(1) That the extension of the current secondment to the post of Staff Liaison Coordinator be approved.

36 **Exclusion of Public and Press**

Resolved

That, in accordance with Section 100A(4) of Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 4 of Schedule 12A of that Act.

37 **Redundancy of Staff in Engineering Team (part of Building Control and Engineering Service)**

The committee considered an exempt report of the Head of People and Improvement regarding the redundancy of staff in the engineering team (part of Building Control and Engineering Services).

Resolved

- (1) That the voluntary redundancies (or compulsory redundancies where voluntary redundancies cannot be mutually agreed) holders of posts BC0001 and BC0022 be approved.
- (2) That the redeployment arrangements and deferred redundancy position for the holder of post BC0023 be noted and the Head of People and Improvement, be delegated in consultation with the Committee Chairman to delegate the decision on any necessary redundancy terms.

The meeting ended at 7.05 pm

Chairman:

Date:

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Cherwell District Council

Personnel Committee

Minutes of a meeting of the Personnel Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 18 May 2011 at 7.40pm

Present: Councillor Victoria Irvine (Chairman)
Councillor Lawrie Stratford (Vice-Chairman)

Councillor Ken Atack
Councillor Norman Bolster
Councillor Russell Hurle
Councillor Mike Kerford-Byrnes
Councillor George Parish
Councillor G A Reynolds
Councillor Alaric Rose
Councillor Rose Stratford
Councillor Lynda Thirzie Smart
Councillor Barry Wood

1 Appointment of Chairman

Resolved that Councillor Victoria Irvine be elected Chairman of Personnel Committee for the 2011/12 Council year.

2 Appointment of Vice-Chairman

Resolved that Councillor Lawrie Stratford be elected Vice-Chairman of Personnel Committee for the 2011/12 Council year.

The meeting ended at 7.45 pm

Chairman:

Date:

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Personnel Committee

Review and Implementation of the Joint Senior Management Structure

7 July 2011

Report of Chief Executive

Purpose of Report

The purpose of this report is to advise the Committee of the proposed structure for the Joint Management Team together with the appropriate job descriptions, person specifications and terms of employment and to outline the timetable for the consultation process. These documents are set out in **(Appendices 1-6)**

At the time of drafting this report, both Councils are currently in the middle of the Consultation process which will end on 28 June. The Committee will be updated on the final consultation responses at the meeting on 6 July.

This report is public

Recommendations

The Personnel Committee is recommended:

- (1) To consider the proposal within the report and to comment upon the appended report and to take account of the timetable in Section 7 of the report,
- (2) The comments from this Committee will be reported to the next meeting of the Joint Personnel Committee on 13 July before a formal recommendation is taken to both Council Meetings on the 26 July (CDC) and 27 July (SNC).

Introduction

- 1.1 This report encloses the report of the Chief Executive to the Joint Personnel Committee which took place on 14 June 2011. There are a series of recommendations which the Joint Personnel Committee was requested to approve and agree. The report was accepted as written with a number of amendments which are placed in *Italics* in the appended report.

Details

- 2.1 In addition, Members of the Joint Personnel Committee received the report from Hay on the pay model and accepted the recommendations and salary levels but did ask for clarification on the appendices of the report and requested a further report for the next meeting on special responsibility allowances.
- 2.2 The salary levels will be: Director - £79 – 88,000, Head of Service - £52 – 66,000 and the three further posts in Communications, Performance and Programme Management £35-43,000.
- 2.3 Following this meeting on 14 June, the Chief Executive chaired a briefing meeting with all in-scope Managers from both Councils on 15 June.

Conclusion and Reasons for Recommendations

- 3.1 The Committee is requested to consider the proposal within the report and to comment upon the appended report and to take account of the timetable in Section 7 of the report,
- 3.2 The comments from this Committee will be reported to the next meeting of the Joint Personnel Committee on 13 July before a formal recommendation is taken to both Council Meetings on the 26 July (CDC) and 27 July (SNC).

Key Considerations

Financial Implications: The original business case essentially set out the 'financial envelope' for delivery of the Shared Senior Management Team staffing costs. The budgets at each authority have been set to reflect this. Once the "Employer" is confirmed, information is received from HAY in relation to recommended salaries and travel costs can be estimated then a final cost for the structure can be prepared. The expectation being that the new structure will be contained within existing budgets.

The costs of the external Legal and HR advice are being funded through the implementation cost budget.

Karen Curtin, Head of Finance – Cherwell District Council

Direct Dial 01295-221551

Email: karen.curtin@cherwell-dc.gov.uk

Legal Implications:

The Council's external employment law adviser has been consulted in the preparation of the report to the Joint Personnel Committee and in connection with the recommendations being proposed to try and ensure that all external legal and internal policy requirements are met. There are no specific legal issues arising at this stage and assuming that the recommendations are adopted by the Committee, legal advice will continue to be sought to try and minimise any adverse legal and specifically, employment law, implications arising from the process and to highlight such issues to the Committee as they may arise.

Comments checked by external legal adviser: Joanna Atkinson, Solicitor, JMA HR & Legal Limited
 Direct Dial: 01252 821792
 Email: joanna@jma-hrlegal.co.uk.

Document Information

Appendix No	Title
Agenda Annex	Report to Joint Personnel Committee
1	Joint Management Structure
2	Job Description – Director
3	Job Description – Head of Paid Service
4	Person Specification – Director and Head of Paid Service
5	Job Description – Communications Officer, Performance
6	Management Officer and Programme Manager
Background Papers	
None	
Report Authors	Stephanie Rew, Human Resources Manager, People and Improvement
Contact Information	01295 227984, Stephanie.rew@cherwell-dc.gov.uk

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Joint Personnel Committee

Review and Implementation of the Joint Senior Management Structure

14 June 2011

Report of Chief Executive

Purpose of Report

To propose a structure for the Joint Management Team together with appropriate job descriptions, person specifications and terms of employment.

This report is public

Recommendations

The Joint Personnel Committee is recommended to:

- (1) Approve the Joint Management Structure outlined in Appendix 1 as the basis for consultation with affected staff *and recognised Trade Unions*.
- (2) Agree that the ring fence arrangements are extended to all posts in scope as a result of the proposed Joint Management Team Structure.
- (3) Approve the job descriptions and person specifications set out in appendices 2, 3, 4 and 5 and agree that they are issued as part of the consultation process.
- (4) Approve the additional Joint Terms of Employment set out in Appendix 6 and agree that they are circulated as part of the consultation process.
- (5) Agree that the "Employer" be determined following a comprehensive risk assessment.
- (6) *Note* that any liabilities/costs arising from future employment of the Joint Management Team will be a joint responsibility.
- (7) Agree that the three further posts of communications, programme management and corporate performance are appointed by the Chief Executive to a support team in the transition period.

Cherwell District Council and South Northamptonshire Council

- (8) Approve that the report, arrangements for consultation and proposed timetable are formally issued to all employees within the scope of the review and *recognised Trade Unions*.
- (9) Agree that the arrangements for receipt of feedback on 13 July 2011 will be as set out in section 5 of this report.

1. Introduction

- 1.1 Following my appointment to the post of Joint Chief Executive to Cherwell District and South Northamptonshire Councils I have reviewed the business case and recommendations of the Joint Arrangements Steering Group with the support of Janet Beaumont, external Independent HR Consultant and Joanna Atkinson, external Independent Legal Adviser.
- 1.2 This report sets out key recommendations for the first phase of the implementation of the proposed joint structure taking account of the work already undertaken and the identified core messages from Members of both Councils. A case for 3 Directors, 8 Heads of Service and 3 additional officers to undertake communications, programme and corporate performance management has already been made and agreed in principle prior to my appointment. There is no justification to repeat the case made in detail, so I have set out my vision of a workable structure within the limits set out and agreed in December 2010.
- 1.3 The term 'first phase' is because it is my intention to work with the new team to develop innovative approaches to present to Members which will place our joint working arrangements in a strong position to deliver sustainable, efficient and cost effective services to the customers of both Authorities in this time of economic constraint.
- 1.4 To this end, I view the structure proposed as one which will need to be flexible and which will inevitably require ongoing review to meet the changing demands placed upon both Councils.

2. The Joint Structure

- 2.1 The proposed structure is attached at Appendix 1. This represents a workable option based on research undertaken at Councils with joint arrangements in your own business case and based on my own personal experience as a Chief Executive.
- 2.2 The role of Director and Head of Service will be generic in title and core content, with specific allocated tasks to ensure delivery of the key internal and external services of the joint and individual Council

Cherwell District Council and South Northamptonshire Council

arrangements. Directors and Heads of Service will take responsibility for a geographic area in rotation as well as coordinating services provided across the joint structure. In addition Directors will all be delegated to act in the absence of the Chief Executive. At the heart of this approach is the need for flexibility to meet new and changing demands in the future.

- 2.3 In the longer term the day to day functions relating to communications, corporate performance and transformation will sit within the Head of Service remit. However, I am recommending that the three additional shared roles covering communications, programme management and corporate performance identified in the business case are located within the Chief Executive support team during the transition period. As has already been identified in the business case these activities will be crucial to success. This arrangement will be regularly reviewed and it will be expected that the flexibility within the Director and Head of Service roles will allow ease of movement of these personnel at an appropriate time. This structure will allow:

- Flexibility
- Focused clusters of services
- Optimal resources
- Corporate responsibility
- Value for money
- Clear customer service support
- Cohesive and meaningful joint activity
- Shared joint values to support Members and individual authority needs

3. Joint Job Descriptions and Person Specifications

- 3.1 The job descriptions and person specifications have core generic requirements. The job descriptions are attached at Appendix 2 (Director) and Appendix 3 (Head of Service). The person specification for Director and Heads of Service are at Appendix 4. The job descriptions and person specifications for the three further roles can be found at Appendix 5.

4. Joint Terms and Conditions

- 4.1 The Joint Management Team posts are shared between the two authorities and are therefore unique. As such there is the ability to recognise the joint posts without impacting on the terms and conditions of the balance of employees employed within the separate authorities. It has already been acknowledged that the responsibility levels and

Cherwell District Council and South Northamptonshire Council

travel arrangements of these posts will need to be recognised as part of a new and discreet remuneration package.

- 4.2 A schedule of proposed terms is attached at Appendix 6, which offers a modern cost effective approach to travel reimbursement is attractive as a recruitment and retention incentive and addresses the joint responsibility through the Hay job evaluation process. The posts are currently being evaluated and recommendations on salary levels will be presented at the meeting.
- 4.3 Hay have also been asked to indicate how the roles of Section 151 and Monitoring Officer might impact on salary once the recruitment process determines the most appropriate level in the new structure (to Head of Service or Director level).
- 4.4 Cherwell District Council acts as the Employer for my post and I am currently assessing whether this would make economic sense for all Joint Management Team posts for pay and rations purposes only. Joint posts are shared equally between the Councils and will have more than one office base. It is therefore proposed that travel between the two bases should be reimbursed.
- 4.5 The schedule of terms excludes officers at this level from either council's formal flexible working arrangements. It is important however, to ensure that no officer is required to work beyond reasonable expectations and that reasonable time off for excessive evening meetings is agreed by prior arrangement and subject to the exigencies of the service.
- 4.6 I have been appointed on the existing terms and conditions for employees of Cherwell District Council, but I am proposing that I should migrate to the new terms and conditions as proposed for the Joint Management Team with effect from 1 October 2011.
- 4.7 The three further posts should be appointed to work directly with me as already set out in this report. However, their general terms and conditions and their employer should remain unchanged at this stage in the change management process.

5. Consultation - Joint Management Structure

- 5.1 Following approval by this Committee a briefing will take place with directly affected employees.
- 5.2 Responses to the consultation and any proposed amendments will be presented to the Joint Personnel Committee on 13 July 2011. It is noted that the JNC conditions allows for individuals to attend the meeting on 13 July to make an oral presentation directly to the Committee. This arrangement will potentially lead to a delay in the

Cherwell District Council and South Northamptonshire Council

decision-making process and it will not be possible to achieve the goal as stated in the business case of implementation by September 2011. I am therefore recommending that individuals be afforded a one-to-one interview with myself as an alternative. An agreed record of the discussion will then be presented to the Committee as part of the report. Any employee or recognised trade union representative still wishing to attend will not be precluded from personally presenting the agreed record of the one-to-one sessions.

6. The Selection Process for the Joint Posts

- 6.1 The business case proposed a ring fence around the Director posts followed by the Head of Service posts. Having assessed the implications of this approach it is proposed that the ring fence covers all posts affected by the Joint Management arrangements.
- 6.2 The new structure will place all existing employees covered by the business case at risk of redundancy.
- 6.3 The new posts of Director and Heads of Service will be subject to a formal recruitment process with Members. The three further posts are not Member appointments, but will be subject to the same competitive process.
- 6.4 Widening the ring fence will maximise opportunities to secure alternative employment, ensure overall fairness in the selection process, enable a more effective recruitment process and avoid unnecessary advertising costs.
- 6.5 Affected employees will be asked to indicate their preferred future roles and will be able to indicate more than one post for which they wish to be considered. They will also be able to indicate if they would wish to be considered for voluntary redundancy/early retirement. The initial selection process will not prohibit further applications to posts at a later stage should vacancies remain after the first round. The agreed assessment process will take place even if there is only one candidate.
- 6.6 At the end of this selection process consideration may be given to unrestricted internal and external recruitment to fill any outstanding vacancies.
- 6.7 Every endeavour will be made to support the individuals who are unsuccessful in the process and who are left "at risk". However, to achieve the timescales for implementation and to achieve the savings identified and banked there may be no alternative to redundancy.

Cherwell District Council and South Northamptonshire Council

7. Timetable

14 June - Agree recommendations at Joint Personnel Committee

15 June - Chief Executive meets affected staff and recognised trade unions and agreed report issued for consultation.

28 June (12noon) – Deadline for written comments from recognised trade unions and completion of one-to-one interviews.

13 July - Joint Personnel Committee receives report with comments from the consultation and agreed individual reports. Approval of final structure, job descriptions, person specifications, salaries and process.

14 July - “At risk” letters issued and opportunity to express an interest in voluntary redundancy/early retirement.

26 July (CDC) and 27 July (SNC) - Recommendations of Joint Personnel Committee presented to Council meetings for final approval.

28 July - Final report issued seeking expressions of interest in new posts

30 August (12 noon) - deadline for expressions of interest in new posts

Week commencing 5 September - Director interviews (JPC meets 9 September)

Week commencing 19 September - Heads of Service Interviews (JPC meets 22 and 23 September)

Week commencing 26 September - communications, corporate performance and programme management interviews (Officer appointments)

28 September (SNC) and 29 September (CDC) - report to Council meetings seeking approval for appointment of Section 151 Officer and Monitoring Officer

Week commencing 3 October - review of any outstanding vacancies.

Cherwell District Council and South Northamptonshire Council

Key Considerations

(Financial, Legal and Risk and other implications e.g. Equalities, Human Resources, Data Quality, Risk, Crime and Disorder and Environmental where relevant)

Financial Implications: The original business case essentially set out the 'financial envelope' for delivery of the Shared Senior Management Team staffing costs. The budgets at each authority have been set to reflect this. Once the "Employer" is confirmed, information is received from HAY in relation to recommended salaries and travel costs can be estimated then a final cost for the structure can be prepared. The expectation being that the new structure will be contained within existing budgets.

The costs of the external Legal and HR advice are being funded through the implementation cost budget.

Comments checked by:

Martin Henry, Head of Finance – South Northamptonshire Council

Direct Dial 01327-322234

Email: martin.henry@southnorthants.gov.uk

Karen Curtin, Head of Finance – Cherwell District Council

Direct Dial 01295-221551

Email: karen.curtin@cherwell-dc.gov.uk

Legal Implications: The Council's external employment law adviser has been consulted in the preparation of this report and in connection with the recommendations being proposed to try and ensure that all external legal and internal policy requirements are met. There are no specific legal issues arising at this stage and assuming that the recommendations are adopted by the Committee, legal advice will continue to be sought to try and minimise any adverse legal and specifically, employment law, implications arising from the process and to highlight such issues to the Committee as they may arise.

Comments checked by external legal adviser:

Joanna Atkinson, Solicitor, JMA HR & Legal Limited

Direct Dial: 01252 821792

Email: joanna@jma-hrlegal.co.uk.

Wards Affected

All

Cherwell District Council and South Northamptonshire Council

Corporate Priorities	Fundamental to the achievement of all priorities at both Councils
Portfolio Holder	Councillor Mary Clarke – South Northamptonshire Council Leader Councillor Barry Wood – Cherwell District Council Leader
Key Decision	Yes

Document Information

Appendix No	Title
Appendix 1	Joint Management Structure
Appendix 2	Job Description - Director
Appendix 3	Job Description – Head of Service
Appendix 4	Person Specification – Director & Head of Service
Appendix 5	Job description and person specifications – Communications Officer/Performance Management Officer/Programme Manager
Appendix 6	Terms and Conditions
Background Papers	
Business Case from the Joint working Group on a shared senior management team between South Northants Council and Cherwell District Council December 2010	
Report Author	Sue Smith, Shared Chief Executive Cherwell District Council and South Northamptonshire Council
Contact Information	0300 0030100 Sue.Smith@cherwellandsouthnorthants.gov.uk

Chief Executive

Executive Support Team - communications, programme and performance

Director

Director *

Director

HOS
Community
Services
Leisure
Community Safety
3rd sector
Communications
Customer Services
Partnership working

HOS
Environmental
Services
Waste
Street Scene
Ground Maintenance

HOS*
Finance
Revenue
Benefits

HOS*
Democratic
and Legal

HOS
Organisational
development
HR
IT
Performance
Transformation

HOS
Regulatory
Env Health
Dev Control
Building Control
Licensing

HOS
Planning Policy
Transport
Economic Dev
Business Support

HOS
Regeneration
and Housing
Major Projects
Assets

* 3 Posts, 1 at Director level and 2 Heads of service. One post to be designated as S151 Officer and one as Monitoring Officer.

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APPENDIX 2

Job Description Director-Core Responsibilities

Job Title

Director Cherwell and South Northamptonshire Joint Management Team

Responsible to

Chief Executive

Job Purpose

To play a proactive role in the joint management team
To provide effective strategic leadership in all corporate initiatives
To drive organisation change to achieve excellent member, customer and partner relationships
To Deputise for the Chief executive as and when required

Principal Duties and Responsibilities

1. To lead with the Chief Executive and senior management team to deliver the key objectives of the Councils
2. To actively participate in cross cutting initiatives to ensure modern, efficient, and effective service delivery to the community
3. To provide leadership and support to the Joint Head of Service team
4. To build and maintain effective working relationships with members, external partners and support Heads of Service in this capacity
5. To support the Heads of Service to ensure the motivation and well being of the workforce
6. To drive both Council's shared values and vision internally and externally and to act as an Ambassador of the Councils at all times
7. To keep abreast of the changing landscape for public services and ensure that the Councils are positioned to implement initiatives and meet new challenges
8. To develop new corporate tools and mechanisms to deliver priorities cost effectively
9. To be prepared to quickly and flexibly react to the needs of the Councils , their customers and partners

Other general duties

You are required to adhere to both Councils health and safety and equalities policies

The list of duties is not to be regarded as an exhaustive list and you should be aware of the need for absolute flexibility in the interest of the organisation and its customers

Specific Duties and responsibilities

This section will vary for each Director to recognise the direct service reports.

Each will have a generic introduction-

You will lead the Joint Head of Service teams responsible for:

Director 1

- Community services
- Leisure
- Community safety
- 3rd Sector
- Communications
- Customer Services
- Partnership
- Environmental Services
- Waste
- Street Scene
- Grounds Maintenance

Director 2

- Finance
- Revenues
- Benefits
- Democratic services
- Legal
- Organisational development
- HR
- IT
- Performance
- Transformation

Director 3

- Regulatory services
- Environmental Health
- Development Control
- Building Control
- Plan Policy
- Transport
- Economic Development
- Business Support
- Regeneration and Housing
- Major projects
- Assets

In addition to the list of services above, each Director will also have responsibility for a defined geographic area on a rotational basis and will act as the primary point of contact, ensuring that all services are delivered in the most effective manner.

APPENDIX 3

Job Description Head of Service-Core Responsibilities

Job Title

Head of Service Cherwell and South Northamptonshire Joint Management Team

Responsible to

Director

Job Purpose

To play a proactive role in the Head of Service and corporate team
To provide effective management of one of the joint groups of services
To act as principal advisor to the Council for the functions of the group

Principal Duties and Responsibilities

1. Actively contribute and support the senior management team in the delivery of the key objectives of the Councils
2. Actively participate in cross cutting initiatives to ensure modern, efficient, and effective service delivery to the community
3. In conjunction with the Chief Executive and Directors build and maintain effective working relationships with members and external partners.
4. Support the Joint Management Team and members by providing any necessary assistance and professional advice
5. Ensure the motivation and well being of the workforce
6. Ensure that all performance targets are met and help to drive both Council's shared values and vision
7. Keep abreast of the changing landscape for public services and actively challenge the way services are delivered to ensure continuous improvement
8. Implement new corporate tools and mechanisms to deliver priorities cost effectively
9. Actively support internal and external communications
10. Prepare timely budgets in accordance with the corporate framework to deliver priorities and contribute to the business planning process
11. Monitor performance and ensure compliance with financial regulations.
12. Be prepared to quickly and flexibly react to the needs of the Councils , their customers and partners
13. Develop, implement and maintain policies within the remit of the group to ensure compliance with regulations and national standards

Cherwell District Council and South Northamptonshire Council

Other general duties

You are required to adhere to both Councils health and safety and equalities policies

The list of duties is not to be regarded as an exhaustive list and you should be aware of the need for absolute flexibility in the interest of the organisation and its customers

Specific Duties and responsibilities

This section will vary for each Head of Service to recognise the direct service reports.

You will lead the team responsible for:

Head of Service 1

- Community services
- Leisure
- Community safety
- 3rd Sector
- Communications
- Customer Services
- Partnership

Head of Service 2

- Environmental Services
- Waste
- Street Scene
- Grounds Maintenance

Head of Service 3

- Finance
- Revenues
- Benefits

Head of Service 4

- Democratic services
- Legal

Head of Service 5

- Organisational development
- HR
- IT
- Performance
- Transformation

Cherwell District Council and South Northamptonshire Council

Head of Service 6

- Regulatory services
- Environmental Health
- Development Control
- Building Control

Head of Service 7

- Plan Policy
- Transport
- Economic Development
- Business Support

Head of Service 8

- Regeneration and Housing
- Major projects
- Assets

In addition to the list of services above, each Head of Service will also have responsibility for a defined geographic area and will act as the primary point of contact, ensuring that all services are delivered in the most effective manner.

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APPENDIX 4

Person specification Director and Head of Service

The Joint Directors and Head of service roles have been developed to provide senior management and leadership across the two authorities.

All candidates will need to demonstrate the key competencies, skills and experience set out in 1-3 below. In the case of Director posts there will be additional requirements:

Additional requirements-Directors

- demonstrate a clear understanding of the changing political, economic and social environment and the ability to respond effectively within tight timescales
- ability to understand and act within the political sensitivities of a democratic organisation
- understand and support the needs, aims and motivations of elected members in a dynamic environment.
- demonstrate the ability to effectively manage the balance between strategic and operational demands
- a successful track record of delivering effective and innovative change within a tight timescale
- ability to manage a balance between risk and innovation
- demonstrate tenacity and resilience under pressure

1. Key Competencies

External focus

- Collaborate and work well with others
- Ability to engage with the community and stake holders
- Ability to deliver customer focused services
- Evidence political sensitivity

Team Focus

- Able to develop talent
- Encourage diversity
- Ability to manage change
- Ability to manage performance and within teams

Individual Focus

- Strategically focused
- Excellent communication and negotiation skills
- Ability to manage a job successfully

Cherwell District Council and South Northamptonshire Council

- A proven record of leadership skills
- Able to demonstrate flexibility and a “can do “ approach
- Ability to clearly demonstrate an understanding of Joint council working

2. Experience, Knowledge, skills and qualifications

- Management experience
- Local authority experience
- Experience in one or more of the functions within the group
- Track record of budget and business planning
- Qualified to degree level or equivalent in at least one of the functions within the group

3. Other Requirements

- In view of the geography of the Joint Council arrangements a valid driving licence is essential
- Own transport

APPENDIX 5

Job Descriptions - Three further posts

Job Title

Communications Officer/Performance Management Officer/ Programme Manager Core

Responsible to

Chief Executive during the Joint Management transition period as part of the Executive Support Team.

Job Purpose

To play a proactive support role in the corporate team
To provide effective support to the Chief Executive and the joint management teams
To act as principal lead and advisor in relation to the relevant function
To act as a joint team with the flexibility to cover all areas of the work

Principal Duties and Responsibilities

1. Support the Joint management team in the delivery of the key objectives of the Councils
2. Actively participate in cross cutting initiatives to ensure modern, efficient, and effective service delivery to the community
3. Support the Joint management team and members by providing any necessary assistance and professional advice
4. Ensure that relevant reports are available to monitor all performance targets and support the communication of the councils vision and objectives
5. Support the joint management team in their role to actively challenge the way services are delivered to ensure continuous improvement
6. Provide timely and pertinent reports on the Councils' performance, projects and proactively communicate progress to all internal and external stakeholders
7. Contribute to the business planning process through provision of up to date information
8. Be prepared to quickly and flexibly support the Joint Management Team and members in their aim to deliver flexible and efficient services to customers and partners

Cherwell District Council and South Northamptonshire Council

Other general duties

You are required to adhere to both Councils health and safety and equalities policies

The list of duties is not to be regarded as an exhaustive list and you should be aware of the need for absolute flexibility in the interest of the organisation and its customers.

Specific Duties and responsibilities

Communications Officer

1. Actively promote the Councils and their activities
2. Develop an excellent relationship with the media
3. Proactively seek and develop new and cost effective ways to communicate internally and externally
4. Develop the Joint Councils brand
5. Develop and deliver a proactive communications strategy and action plan
6. Proactively develop communication campaigns and activities to enhance the reputation of the Councils locally, regionally and nationally

Programme Management Officer

1. Raise awareness of the importance of effective programme management within the Councils
2. Develop effective tools and training to support the development of a programme management culture within the Councils
3. Help identify and manage programmes which support the councils overall objectives
4. Provide regular reports regarding ongoing projects identifying risks at an early stage
5. Proactively research potential projects which will enhance delivery and provide new income streams

Performance Management Officer

1. Develop pertinent research and data to support the Members and joint management team
2. Produce all information relating to performance to meet the Councils statutory obligations
3. Maximise data to enhance the performance of the Councils
4. Monitor the Councils overall performance, identify trends and proactively support the Joint management in delivering excellence
5. Develop effective tools and training to enhance understanding and promote a performance management culture

Person specification

1. Key Competencies

- as per Head of Service and Director

2. Experience, Knowledge, skills and qualifications

- Qualified to degree level or equivalent in a relevant field
- Track record in one or more of the Executive team functions
- Knowledge of local government

3. Other Requirements

- In view of the geography of the Joint Council arrangements a valid driving licence is essential
- Own transport

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APPENDIX 6

Summary of Terms and Conditions for the Joint Management Team

Terms and Conditions	Recommendation
Pay	Pay for all posts will be determined through job evaluation and market factors(currently the Hay Group)
Additional allowances	N/A
Professional subscriptions	Reimbursement of one relevant professional membership subscription
Mileage allowances	HMRC rate- currently 45p per mile tax free up to 10,000 miles. Payment from first official base. Commuting to and from home will not be included in the reimbursement arrangements
Annual leave	33 days per annum, plus bank holidays and 1 fixed floating day over Christmas/New Year
Pay dates	Determined by “Employer”
Sick pay entitlement	National Local Government scheme
Appraisal	To be developed
Induction	Shared induction programme will be in place for Senior Managers
Probation	3 months probation period for new employees. A trial period of 4 weeks for existing employees appointed in the new structure
Political restriction	politically restricted
Health care	BUPA – discounted rate for all staff at nil cost to the organisation in accordance with existing arrangements
Pension provision	Local Government Pension Scheme
Car loan scheme	Existing scheme on application
Telephone/email	Mobile technology will be provided as appropriate
Trade union recognition	In accordance with existing arrangements
Hours of work	The nature of the role demands flexibility to meet service requirements and will involve out of standard office hours presence. Time off at a convenient time by prior arrangement

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Personnel Committee

Organisational Change Policy

7 July 2011

Report of Head of People and Improvement

Purpose of Report

This report requests approval for the new joint policy on Organisational Change. The policy is intended to cover all staff employed in both Cherwell District Council and South Northamptonshire Council.

This report is public

Recommendations

The Personnel Committee is recommended:

- (1) To endorse and approve the attached policy for all staff with immediate effect.

Introduction

- 1.1 In order to ensure that both organisations have a consistent and robust policy framework for dealing with change a new policy, designed to cover staff employed within both Cherwell District Council and South Northamptonshire Council, has been developed. This policy has already been recommended for approval by the Joint Personnel Committee but also requires individual Personnel Committee approval by each Council.
- 1.2 The proposed new policy is attached and an outline of the key changes and process undertaken to date is outlined below.

Details

2.1 Revised policy

The new policy brings together areas of good practice from both organisations and reflects a contemporary and pragmatic approach to the management of organisational change. It aims to provide support and individual choice wherever this is possible in the context of organisational needs and specific objectives of change.

2.1.1 Consultation Process

The draft policy has been through the formal consultation process in both organisations and a number of changes were made in response to comments from the Trade Unions. These were substantially to achieve greater clarity and strengthen the process in terms of support to individuals impacted.

The consultation process left outstanding areas for agreement on only 2 areas. These were the length of pay protection and the issue of re-employment following redundancy or redeployment.

In relation to pay protection, the attached proposed policy includes a flat rate of 2 years pay protection (the original consultation documents proposed 1 year). The current arrangements include a variable protection period at South Northamptonshire of between 2 and 3 years dependent on years of service and a decreasing protection period at Cherwell District Council which was initially 2.5 years from the implementation of the current Job Evaluation arrangements.

A review of the protection periods used by other Councils suggests that between 1 and 3 years are commonly used with no Councils asked using a variable period of protection.

Therefore it was recommended to apply a consistent protection period for all staff which was agreed as 2 years.

In relation to re-employment after redundancy or early retirement, the standard national conditions dictate only that you cannot be re-employed within 4 weeks of dismissal.

However, good practice and reputational issues dictate that the Council should carefully consider any re-employment or re-engagement of ex-officers in receipt of redundancy and/or pensions payments from either authority.

Rather than apply a blanket position within the policy, this item has been amended to include reference, via a business case, to the Chief Executive for decision in these circumstances.

2.2 Effective date for new policy

One of the key objectives of developing a shared policy was to ensure that the senior teams of each organisation received consistent treatment through the process to create the shared management team. The intention is therefore that this policy should be applied immediately.

The policy requires approval from the respective (Appointments and) Personnel Committees (and in the case of SNC its full Council) before it can become effective for not only the staff in scope for the shared senior management team but all staff. However it is obviously important that the policy is in place by the time that expressions of interest for voluntary redundancy are invited. This means that any processes already underway by either Council should be

completed under the old policies and may result in a small number of people having different pay protection and redeployment periods.

3. Conclusion and Reasons for Recommendations

The new policy does not differ significantly from the existing positions other than in relation to pay protection periods. Other changes relate to the application of process, including the point at which people are formally put at risk and arrangements for redeployment.

The policy reflects the law and good practice and provides a contemporary and pragmatic approach to managing change.

Members are therefore recommended to approve the policy.

Options

Option One Implement the new policy as outlined above

Option Two Retain current, separate policies

Key Considerations

Financial Implications: The proposals will make the application of pay protection more straightforward as it will become a blanket policy.

The cost of pay protection for Cherwell District Council employees will be reduced as the position is moved from 2.5 years to 2 years.

The costs, of any individual cases if known, should be built into future estimates of implementation and form part of the individual business cases.

For the senior management team these can be covered by the general contingency set up for the Shared Management Team implementation costs.

Comments checked by Karen Curtin, Head of Finance 01295 221551, karen.curtin@cherwell-dc.gov.uk

Legal Implications:

In the event of a challenge to the process the respective Councils will be in a stronger position to defend any complaints of inequality if the same policy is applied across both organisations and that policy is fair, transparent and robust. In relation to the pay protection period, the length of time afforded should be the same for all staff and having a variable period of protection dependent on length of service could breach the age discrimination legislation.

Comments checked by Nigel Bell, Interim Monitoring Officer, 01295 221687, nigel.bell@cherwell-dc.gov.uk

Document Information

Appendix No	Title
1	Organisational Change Policy
Background Papers	
None	
Report Authors	Anne-Marie Scott, CDC Head of People and Improvement
Contact Information	01295 221731, annemarie.scott@cherwell-dc.gov.uk



ORGANISATIONAL CHANGE POLICY

1. PRINCIPLES

To ensure on-going efficiency and value for money, both Councils need to remain flexible and responsive to changing national and local priorities and customer needs. They must also make the most efficient use of all resources and as such it is likely that organisational change will be required. The Councils will seek to minimise the effects of any organisational change through the application of fair and equitable procedures that include restructuring, redundancy and redeployment.

Both Councils are committed to the principle of working in partnership with employees and Trade Unions in managing organisational change and will seek to achieve changes through appropriate involvement and consultation. Any final decisions will however remain with each Council.

The Councils will ensure compliance with all related aspects of employment law and will also offer all reasonable support where jobs change or disappear, or alternative employment can be considered.

Compulsory redundancies will be considered as a last resort, and where all other available options have been explored.

Minimising the Risk of Redundancies

The Councils will consider all realistic alternatives to redundancies, and will consult with staff about these where appropriate. This might include:

- reducing or eliminating overtime
- reducing or eliminating employee allowances
- restricting or freezing recruitment
- TUPE transfers
- reducing expenditure in other ways (or increasing income) wherever possible
- reducing hours
- considering retraining and/or redeployment

2. SCOPE

This policy will apply to the South Northamptonshire and Cherwell District Council Senior Shared Management Team and all South Northamptonshire Council employees and all Cherwell District Council employees, and will apply whenever organisational change is necessary. This policy will not apply to third party or partner organisations where employees are not employed directly by either Council.

3. ORGANISATIONAL RESTRUCTURING

There are two stages to any restructure:

1. The management approval process for any organisational change and restructure.
2. The implementation process once approval has been gained.

Stage 1 – Approval Process

In order to gain approval for any restructure, and prior to any implementation the following stages should be followed:

Development of business case and consideration by management team

Prior to any business case being written, the Chief Executive should discuss their proposals with the Leaders of both Councils and the Strategic Director / Head of Service should discuss their proposals with the Chief Executive /Strategic Director respectively. When an outline proposal is agreed the Head of Service/Director/Chief Executive should contact the appropriate Human Resources Manager. Outline proposals will be advised to the recognised trade union at this point too.

The business case should then be prepared for submission to the Councils' Senior Management Team. The template attached at **Appendix A** should be used to develop the business case which must consider the following areas:

- the reason for the proposed changes and the outcomes required
- the likely number of posts affected and in what way
- a financial assessment of the potential redundancy and pension costs
- an equalities impact assessment
- the lead officers for any selection and consultation
- the extent of consultation to date and future timetable
- the target implementation date

The business case should also include a draft revised structure, draft person specifications, job descriptions and where appropriate job description questionnaires. Any new posts will be subject to job evaluation and any posts that have been deemed to have had any changes will possibly be subject to job evaluation. When the business case is submitted consideration should be made as to whether job evaluation is required by those agreeing the business case.

Stage 2 - Consultation

The purpose of consultation is to provide as early an opportunity as practicable for all concerned to engage in the changes and explore the options.

- **Informal Consultation**

All consultation should be carried out by the Head of Service (or relevant senior manager), in conjunction with HR and the trade union. The first stage of

consultation will outline the change proposed to all affected staff as outlined in the business case and should be carried out on a face to face basis. This consultation stage will be used to consider further options that may not have been considered to deliver the services and savings required.

- **Formal Consultation**

In order to commence formal consultation a consultation document should be completed by the Head of Service (or relevant senior manager) for issuing to staff and agreed by the appropriate HR Manager (**See Appendix A**). This document reflects the business case, objectives of the change and takes into account any issues raised at the informal consultation stage. A mixture of consultation processes should be used at this stage, including dedicated email addresses and FAQ intranet pages, cascade of hard copy information, individual and group workshop sessions at relevant locations, and external support and advice where appropriate. Any questions put forward as part of the consultation process should be logged by HR and responses sent to these questions as soon as possible after the end of the agreed consultation period.

The recognised Trade Unions will be invited to be involved in all stages of the formal consultation process.

The length and processes involved in each stage of consultation will depend on the complexity of the proposed change and the number of staff involved, although a minimum of two weeks must be allowed for this stage of consultation. Timescales should be agreed and made clear within the consultation document and should take into account any peak periods in terms of workloads and holidays as well as staff that may not be at work during any consultation.

- **Second Formal Consultation (if required)**

A second formal consultation process will be used where there are significant changes or outstanding issues once the initial formal consultation has been completed. This second stage will include the same stages as above but be based on proposals updated following the first consultation.

Stage Three - Final approval

Any final comments from the previous stage should be included in a final business case and structure (and should include job descriptions, person specifications and gradings where appropriate). At the end of this consultation period, approval from the appropriate Council committees will be sought.

Stage Four – Implementation

Once final approval of the business case is in place then implementation can commence. The agreed implementation plan should be used to ensure timescales and tasks are undertaken as agreed. The following stages of the process should be considered although not all will be applicable.

- **Consideration of 'at risk' process**

The post(s) affected by any change process will be clearly identified and staff placed 'at risk'. All attempts will be made to find a suitable alternative post within the organisations, and consideration may be given to employment at either Council if this is deemed a suitable alternative by the Human Resources Department.

The Human Resources Team will issue letters to staff placed 'at risk' informing them of their personal situation and the process that will follow.

- **Consideration of invitation for voluntary redundancy and/or early retirement**

The Councils need to ensure it maintains skills needed for future delivery whilst recognising that some employees may wish to express an interest in voluntary redundancy and/or early retirement. This option will only be used in areas where work has diminished or no longer exists and those circumstances require the numbers of posts in an area of Council activity to be reduced. Voluntary redundancy will be offered on a case by case basis and agreement to consider this option will be sought from the Senior Management Team during the business case stage.

It will not apply in cases where a temporary secondment is arranged e.g. to take account of fluctuating workloads. It will not normally be used where an employee is being considered for redeployment on health grounds (i.e. medical redeployment) or where action is being taken on the grounds of capability or in cases where the employees themselves request a transfer.

- **Redundancy Payments and Pensions**

Both Councils have agreed policies in relation to severance payments to employees whose employment is ended on grounds of redundancy and these are as follows:-

To use the statutory redundancy payment calculator to calculate the number of weeks pay an employee is entitled to receive. This provides for a maximum payment of 30 weeks pay.

To use its discretion under the 2000 Regulations to calculate the payment on a weekly pay figure up to the employee's actual week's pay i.e. the statutory maximum weekly pay figure is waived and the employee's actual weekly pay figure is used. The calculation of weekly pay includes all contractual payments.

In calculating the statutory redundancy payment, the Councils will take into account all continuous service (up to a maximum of 20 years) with bodies listed in the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999 (as amended) – the Modification Order.

The LGPS Regulations require the pension of members aged 55 or over who are made redundant is put into immediate payment, without actuarial reduction.

The LGPS Regulations allow employers to consider use of some additional discretionary payments when employees are either made redundant or dismissed on the grounds of efficiency of the service. Each Council has its own policy and employees should either check their Council's intranet or with their HR team for further information when making an application for voluntary redundancy.

Detailed pensions estimates will be provided through each Council's HR/Payroll Team once agreement to consider voluntary redundancy is obtained.

- **Application Process**

Where the circumstances above exist, employees in the 'at risk' group may be invited to make a written application for voluntary redundancy/early retirement on the form attached at **Appendix B**. (This will be dependant on agreement to allow voluntary redundancy, and once agreed can be made at any time in the process from this point onwards).

The application form should be completed by the employee and submitted to their Head of Service or Strategic Director for completion of Part B. Part C needs to be completed jointly by HR and Finance once the all other parts have been completed.

Applications will initially be considered by the Senior Management Team and, if the proposal is deemed viable, final approval will be sought through the respective Council's approval processes.

Applications will be considered on the grounds of:

- Suitable alternative employment availability
- Future skills needs of the authority
- Financial effects
- Potential efficiency gains
- Extenuating circumstances presented by the applicant

In making applications officers need to ensure that any application for discretionary payments is clearly outlined and appropriate evidence put forward in support of their application.

- **Decisions**

The options open to the Councils in making the decision are:

- Agree to the voluntary redundancy request (with access to pension if over minimum retirement age under Local Government Pension Scheme (LGPS)).
- Agree to the early retirement request with no additional discretionary payment (employees over minimum retirement age under LGPS).
- Agree to the early retirement request with additional discretionary payments (employees over minimum retirement age under LGPS).
- Refuse the request for voluntary redundancy/early retirement.

- Agree to the request for augmentation of pension.
- Agree to the request for voluntary redundancy/early retirement at a date in the future (generally no more than 6 months from the initial application and agreement).

If agreed the employee will be written to by the employing Authority's HR team outlining what has been agreed, and provide information about notice periods, leave dates and any final pay that has been agreed.

In line with National Conditions, any employee who leaves through redundancy or early retirement is ineligible for employment by either Council for a period of 4 weeks. After this, any case for reemployment or reengagement on any terms will be subject to approval of the Chief Executive on the basis of a business case which takes account of the basis of the original case for redundancy/retirement.

If voluntary redundancy is not agreed the employee will also be written to outlining the reasons for this and the process that they will then be required to follow.

- **Appointments to new posts within a restructure**

Wherever permanent employees are displaced by a restructuring process the first stage of the appointment process will generally involve an assimilation and/or ring-fenced recruitment exercise internally. This may not apply at very senior levels or in specialist posts, for example some shared posts, where the Council believes it is appropriate to test the external market to ensure the best possible candidate for the post is found.

Where **assimilation** is used, the affected employee(s) will be asked to complete a matching exercise to demonstrate that the duties of their current post, along with the skills and experience required to carry out that post, are substantively the same as the new post (minimum of 50%) and be within one grade. (See **Appendix C** for the Internal Redeployment: Employee Information Form). In this case the appointment will be made without need for further process. The assimilation exercise will be undertaken by the relevant line manager and the HR team in discussion with the employee. If assimilation is agreed the employee will be issued with a new letter and their new job description.

The extent of the **ring-fence** and the process followed will be adjusted according to the number of people affected but, in general, all those affected will be asked to outline how their skills/competencies/experience matches the post(s) in the new structure. All candidates will be interviewed in accordance with agreed Council selection procedures.

Where appropriate, employees will be appointed on a trial period and with a training plan to ensure their suitability for the new post. This will normally last for 4 weeks but may be extended by agreement to reflect the amount of training needed or the complexity of the job.

If there are no internal applicants to the new post or none of the ring-fenced employees are suitable, normal recruitment procedures will apply.

- **Redeployment**

Where displaced employees are not placed in new posts as part of a ring-fenced recruitment process or assimilation process, or where their post has ceased to exist and there are no alternatives, attempts will be made to redeploy an employee to a suitable alternative post within the organisation.

Both Councils are committed to:

- protect, for a set period of time, the salaries of employees who are affected.
- providing appropriate and effective retraining for employees selected for redundancy to facilitate their redeployment, and minimise disruption.

Employees will not be redeployed to higher graded vacancies. These will be subject to open recruitment where those on the redeployment register may apply.

- **The Redeployment Register**

As soon as an employee is informed by HR that there are no available posts for the employee either because the post is being made redundant or the restructure has not left any suitable employment, and the employee remains displaced (at risk), then the employee will be placed on the Redeployment Register of their employing Council for 3 months. HR will write to the employee, and arrange a meeting between themselves and the employee.

The meeting will include:

- An explanation of the procedure and each party's responsibilities.
- An explanation of what duties the employee will undertake whilst on the redeployment register. (This may be the employee's substantive duties, but alternatives may be considered where the employee's substantive post no longer exists).
- Completion of a Redeployment Form
- Review of current vacancies
- Discussion around potential training or other opportunities to enhance transferable skills
- Notice of the date on which their employment will terminate if redeployment is not achieved.

Vacancies and Trial Periods

During the period when redeployment opportunities are being examined, no vacancy shall be advertised or filled without HR approval. Any possible redeployees will also be identified at this stage and HR will examine all vacancies against profiles of employees on the redeployment register and will inform the Head of Service when a potential 'broad fit' is identified

'Broad fit' – is where the employee possesses the majority of the skills and abilities identified in the person specification as essential for the post. This definition should include closely allied skills and abilities that can be considered transferable. Where 'broad fit' is deemed applicable a meeting will be held between the employee, the recruiting Head of Service and HR. The meeting will be used to determine whether 'broad fit' is established and whether with training and employee may be capable of fulfilling the post requirements.

Where 'broad fit' is established, the employee should be appointed unless it can be demonstrated to the satisfaction of the relevant HR Manager in consultation with the trade unions that the employee is not capable of fulfilling the requirements of the post, even with training.

Any employees who have been selected for redundancy may apply for any vacant post and will, wherever appropriate, be offered an interview. It will be up to the Head of the appropriate service, in consultation with the relevant HR Manager to decide whether it is appropriate to offer an interview. Whilst the selection process will be competitive and there can be no guarantees of success, no external candidates will be invited to apply until the case of all employees selected for redundancy has been considered.

- **Trial periods**

Employees being redeployed are entitled to a 4 week trial period in an alternative post. This trial period may be extended in exceptional circumstances i.e. where additional training has been identified. However the trial period will not last any longer than 12 weeks. If the redeployment is deemed unsuitable by the employee they will return to the redeployment register and the process will commence once more.

Before the start of the trial period (i.e. the date of commencement of employment in the new post), an appropriate training programme for the employee must be drawn up and agreed by both the employee and his/her new Head of Service. Such a training programme could include a mix of coaching, on-the-job training and external courses or seminars as appropriate. The costs for any external training will be met from departmental budgets as part of the restructuring process.

Appropriate work objectives should be agreed between the redeployee and his/her manager.

During the trial period, the redeployed employee's manager must ensure that progress is monitored and reviewed on a regular basis. Regular meetings should take place between the line manager and employee, during which progress must be reviewed and feedback given. Notes of the individual's progress should be kept, including reference to any problems encountered and the action taken to resolve them. After each such meeting, both HR and the individual employee should be given a copy of these notes. Towards the end of the trial period the line manager should hold a final review meeting with the employee. A decision will then be made as to whether the redeployee should be appointed permanently to

the post. This decision will be taken by the appropriate Head of Service in conjunction with Human Resources.

If the employee is to be appointed, an appropriate offer of permanent redeployment will be issued. If the employee is not to be appointed, discussions will take place between the employee and a representative from HR regarding other options which may include returning to the redeployment register. If all other options are exhausted, the employee's employment will be terminated on grounds of redundancy.

- **What happens if an employee rejects an offer of alternative employment?**

In the event that an employee at risk of redundancy rejects an offer of what HR/management considers to be suitable alternative employment, then that employee could lose their right to receive a redundancy payment and will be informed of this at the time. This will be on the basis that suitable alternative employment is defined as being employment broadly comparable in terms of:

- range of duties and responsibilities
- knowledge, experience and qualifications required
- conditions of service (e.g. salary grade; working hours; holiday entitlement, place of work)
- status

If the new post of suitable alternative employment is accepted, the notice of termination previously issued automatically lapses and the employment is treated as being continuous.

- **Pay Protection**

If the new post into which the employee is redeployed is graded lower from that of their existing post, pay protection will apply for a maximum of 2 years. This will apply to all contractual pay relating to their substantive post including basic pay and allowances. Once pay protection applies incremental progression will not apply and pay awards will also cease.

It should be noted that the protection policy referred to above is, at all times, subject to change as a result of amendments to the appropriate legislation, or in the interpretation of existing legislation.

- **Redundancy**

Employees selected for redundancy will be invited to a meeting with an appropriate senior manager and HR to discuss the decision before formal notice of termination of employment is given.

The employee will be given written notice of the redundancy and the letter will include:

- a statement that the contract is being terminated on the grounds of redundancy
- the last day of employment, having due regard to the notice entitlement stipulated in contracts of employment (this is generally one week for every year of continuous service up to a maximum of 12 weeks).
- confirmation that they will be required to work out their period of notice (unless this has been agreed otherwise by HR/JPC)
- the financial payment to be made including, where appropriate, redundancy payments and/or pay in lieu of notice
- their right of appeal
- a statement that in the period leading up to the last day of employment, efforts will continue to be made to redeploy the employee (this would not apply in the event the employee volunteered for redundancy)
- a statement that the employee has the right to reasonable amounts of paid time off work to seek alternative employment
- if appropriate, details of advice and support available, e.g. career guidance, outplacement consultancy

APPENDIX A	Business Case Template
APPENDIX B	Voluntary Redundancy Application Form
APPENDIX C	Internal Redeployment – Employee Information Form
APPENDIX D	Discretionary payment policies

<h2 style="margin: 0;">Establishment Changes Business Case</h2>

Service area:	
Team:	
Case prepared by:	
Date:	

Business cases should be prepared in consultation with HR and Finance and submitted to CMT (CDC)/Executive (SNC) by the Service Head for consideration.

<p>Background</p> <p>This section should provide information on the service/team and outline any issues which may affect the team in the future (including changes to funding, priorities etc.)</p>
<p>Proposed changes</p> <p>This section should provide an overview of the changes proposed.</p>
<p>Business Case</p> <p>Outline here the case for making changes, including how current duties, responsibilities etc. will be covered once changes are in place, benefits, risk to service delivery and any other impact.</p>

Changes to posts/JDs

Outline here details of all changes to posts/JDs and attach revised job descriptions, person specifications and indicative grades. Please also consider whether the post may require re-evaluation as a result of any changes.

Financial Effects

This section should summarise the costs and savings associated with any changes, including redundancy and capital costs of pensions. Detailed figures will be provided by finance and should be appended to this business case.

Voluntary Redundancy – Please state whether this should be offered or not and if so on what basis for both. (Figures can be provided by Finance/Expenditure)**Summary and Recommendations****HR Comments****Finance Comments****CMT (CDC)/Executive Team (SNC) response**

Action

Note

It is the responsibility of the Service Head to communicate appropriately with the team, particularly those directly impacted by the proposed changes and there may be a need for formal consultation with staff and UNISON. This includes discussions around redundancy, pension's access and other individual changes. Once the Service Head has received agreement in principle they should consult with HR and Finance before commencing any discussions or sharing any redundancy, pensions or other estimates.

APPENDIX B

APPLICATION FORM FOR VOLUNTARY REDUNDANCY / EARLY RETIREMENT

Part A – to be completed by employee

Name
Department
Line Manager
Job Title
FURTHER DETAILS – please include full reasons for request, effective date requested and include or attach any supporting and/or relevant information.

Part B – to be completed by Head of Service/Strategic Director

Request supported	Yes	No
FULL DETAILS including future skills needs, potential efficiency savings and any other supporting information.		
Financial position:		

Part C – to be completed by Human Resources/Finance

Redundancy costs
Retirement costs
Overall financial effect (cost/efficiency)

INTERNAL REDEPLOYMENT: EMPLOYEE INFORMATION FORM

PART ONE: Personal Details

Name:				
Division:				
Length of Service:	SNC/CDC:		Total Local Government:	

PART TWO: Current Job Details

Designation:				Post No:	
Grade:		Salary:		Date Started in Current Post:	
Car Allowance (if applicable):	Casual:		Essential:		Lease:
Reports To:			No. Staff Supervised:		

Please summarise the Most Important Tasks you Perform (no more than 10)

PART THREE: General Background Information

1. Summary of Work Experience

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2. Qualifications, General Capabilities and Skills

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3. PART FOUR: Preferred Redeployment

Type of Work (General or Specific)

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Signed:		Date:	
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3.1 Human Resources office use only

Action taken:	
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Signed:		Date:	
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INTRODUCTION

This statement of policy has been prepared and approved by Cherwell District Council to satisfy the requirements of the Local Government Pension Scheme Regulations as detailed below and has been updated to take into consideration agreed changes at the Executive on the 12 April 2010.

This policy therefore meets the requirements of the appropriate discretionary LGPS regulations which states that each employing authority must formulate and keep under review its policy concerning the exercise of certain discretionary functions within these Regulations.

In preparing and approving this policy, the Council has also been mindful of the requirement that it :

- i) Will have regard to the extent to which the exercise of the discretions could lead to a serious loss of confidence in the public service;*
- ii) Will not be used for any ulterior motive;*
- iii) Will be exercised reasonably;*
- iv) Will only be used when there is a real and substantial future benefit to the employer for incurring the extra costs that may arise;*
- v) Will be duly recorded when applied.*

It is understood that these discretions 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 the new policy takes effect, and therefore this policy will be effective from 12 May 2010. The revised statement will be sent to the administering authority and a published statement as revised made available on the intranet.

Local Government Pension Scheme (Administration) Regulations 2007 (as amended) and Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended)

Regulation 12 - Power of an employing authority to increase total membership of active members.

An employer may resolve to increase the total membership of an employee at any time whilst they are an active member of the Scheme with them. The maximum additional membership period that can be awarded is 10 years.

The employer must pay to the Pension Fund, within one month from the date that any additional membership is awarded (or such longer period as agreed between the employer and the administering authority), a sum as calculated in accordance with guidance issued by the Government Actuary.

Employer's policy

The Council will consider whether to exercise its discretion to increase total membership of active scheme members in cases where the Council has agreed that the scheme member is to be made redundant or dismissed on the grounds of efficiency of the service.

It will also give consideration to increasing total membership of an active scheme member if it has been agreed that they should retire on the grounds of permanent incapacity due to ill health and they would not otherwise qualify for additional service because their period of membership is too short.

Each case arising in connection with the use of this discretion will be the subject of a report to the appropriate committee of the Council.

When considering each case, the Council will include, but not be limited to;

- The financial position of the council at the relevant time.
- The personal circumstances of the member of staff in question, including their working history with the council. This may include, for example, length of service and disciplinary record.
- The risk that the making of a payment at any particular level to the individual in question may lead to a loss of public confidence in the council.

Regulation 13 – Power of employing authority to award additional pension.

An employer may resolve to award an employee, at any time whilst they are an active member of the Scheme with them, additional pension of not more than £5,000 a year payable from the same date as the pension is payable under any provisions. Additional pension may be paid in addition to any increase of membership under regulation 12 of the LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended).

The employer must pay to the Pension Fund, within one month from the date that any additional membership is awarded (or such longer period as agreed between the employer and the administering authority), a sum as calculated in accordance with guidance issued by the Government Actuary.

Employer's policy

Cherwell District Council has resolved to adopt this discretion.

The Council will consider whether to exercise its discretion to increase total pension of active scheme members in cases where the Council has agreed that the scheme member is to be made redundant or dismissed on the grounds of efficiency of the service.

It will also give consideration to increasing total pension of an active scheme member if it has been agreed that they should retire on the grounds of permanent incapacity due to ill health.

Each case arising in connection with the use of this discretion will be the subject of a report to the appropriate committee of the Council.

When considering each case, the Council will include, but not be limited to;

- The financial position of the council at the relevant time.
- The personal circumstances of the member of staff in question, including their working history with the council. This may include, for example, length of service and disciplinary record.
- The risk that the making of a payment at any particular level to the individual in question may lead to a loss of public confidence in the council.

Regulation 18 – Flexible retirement

A member who has attained the age of 55 and who, with their employer's consent, reduces the hours they work, or the grade in which they are employed, may make a request in writing to the appropriate administering authority to receive all or part of their benefits under the Regulations, and such benefits may, with the employer's consent, be paid to the employee notwithstanding that they have not retired from that employment. If the payment of benefits takes effect before the member's 65th birthday they will be reduced in accordance with guidance issued by the Government Actuary unless the employer agrees to waive, in full or in part, any such reduction at their cost. In the case of a person who was an active member on 31st March 2008, and who makes a request before 31st March 2010, substitute the age of 55 above with the age of 50.

Employer's policy

The Council will not consider requests from employees aged 55 or over, to reduce their hours or the grade in which they are employed and have their pension paid whilst continuing to be employed.

Regulation 30 – Choice of early payment of pension

If a member leaves a local government employment before they are entitled to the immediate payment of retirement benefits, once they have attained the age of 55 they may choose to receive payment of them immediately. However a member aged less than 60 needs employer consent (or former employer) to have the benefits released early, and if the decision is to allow early release of retirement benefits then the employer must pay to the Pension Fund a sum representing the capital cost of releasing those benefits early.

The pension must be reduced by the amounts shown as appropriate in guidance issued by the Government Actuary although the employer may determine on compassionate grounds to waive the actuarial reduction. In the case of a person who was an active member on 31st March 2008, and who makes a request before 31st March 2010, substitute the age of 55 above with the age of 50.

Employer's policy

The Council will give consent to the retirement of members who apply between the ages of 55 and 59, with immediate payment of benefits, where it can be clearly shown to be in the Council's interests to do so. In assessing this an important consideration, but not the only consideration, will be the net financial effect on the Council of the early retirement and all associated changes. Each case arising in connection with this policy will be the subject of a report to the appropriate committee of the Council, detailing the financial and other effects, subject to the limitation that the Council will not normally consider such an application from any individual member within one year of considering a previous application from the same member.

The Council will not waive the reduction of benefits on compassionate grounds under this regulation.

Requests for early payment of deferred retirement benefits from former employees will be considered on the same criteria as above.

Local Government Pension Scheme (Administration) Regulations 2008

Regulation 16 - Re-employed and re-joining deferred members

Where a deferred member becomes an active member again before becoming entitled to the payment of those deferred retirement benefits, they may elect to have his former deferred membership aggregated with current active membership on or after the date that the employee again becomes an active member. An election must be made within 12 months from the date that the member re-joins the Local Government Pension Scheme or such longer period as his employer may allow.

It is worth noting that if the member has more than one former period of deferred membership, it is only the most recent deferred membership period that can be aggregated with current active membership unless earlier periods of deferred membership have already been aggregated with the most recent period of deferred membership.

Employer's policy

Cherwell District Council adopts regulation 16 on the basis that the impact will be limited to a small number of employees.

Regulation 22 – Applications to make absence contributions

This provides for a scheme member to pay optional contributions, for a period of unpaid absence from work, within 30 days of returning to, or of ceasing, employment. The employer can agree to extend this time limit.

Employer's policy

Cherwell District Council chooses to use its discretion in exceptional circumstances to extend the time limit, and will be based on a case by case request. Where no request is made the extension will not apply.

Regulation 25 – Additional Voluntary Contributions (AVCs) and Shared Cost Additional Voluntary Contributions (SCAVCs).

An active member may elect to pay AVCs into a scheme established under contract between his appropriate administering authority and a body approved for the purposes of the Finance Act 2004.

Under paragraph 3 of this regulation an employer can, at its discretion contribute to the AVC scheme and where they do the AVC scheme is known as a shared cost additional voluntary contributions arrangement and contributions to it as SCAVCs

Employer's policy

The Council will not establish or maintain a shared cost additional voluntary contributions scheme.

Regulation 83 – Inward transfers of pension rights

This provides that an active scheme member may elect to transfer into the Local Government Pension Scheme relevant pension rights held elsewhere. The member must request the transfer of such rights in writing within 12 months of becoming a member of the Local Government Pension Scheme or such longer period as the employer may allow.

Employer's policy

Cherwell District Council has resolved that it continues to allow transfer of relevant pension rights held elsewhere within the 12 month period, with no time extension allowed.

Regulation 57(5)(c) – Notification of decisions under regulation 58.

Responsibility for determinations under the first stage of the Internal Disputes Resolution Procedure rests with a “specified person” appointed by the (former) employer of a scheme member.

Employer’s policy

The specified post to be used for this employer is:

Name: Karen Curtin
Job Title: Head of Finance
Address: Cherwell District Council, Bodicote House,
White Post Road, Bodicote, Nr Banbury, Oxon, OX15 4AA

The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 as amended

Regulation 5 – Whether to base redundancy payments on actual weeks pay rather than statutory weeks pay limit

Regulation 6 – Whether to award a lump sum compensation of up to 104 weeks pay in cases of redundancy, termination of employment on grounds of efficiency, or cessation of a joint appointment.

Regulation 11 (2) – to award compensatory added years to a person aged 50 or over with 5 or more years membership (or notional membership) of the LGPS in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment which occurred after 30 September 2006 and before 1 April 2007 (but only if employment commenced pre 1 October 2006).

Employers Policy

Redundancy

In cases where employment is terminated on the grounds of redundancy the Council will use the government’s statutory redundancy payment calculator to calculate the number of weeks pay an employee is entitled to receive.

In addition the Council may exercise its discretion to make a payment as follows:-

- 1 To calculate the payment on a weekly pay figure up to the employee’s actual week’s pay (i.e. the statutory maximum weekly pay figure is waived).
- 2 To take into account all continuous service (up to a maximum of 20 years) with bodies listed in the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999 (as amended).
- 3 Assessing each case on its merits, consider whether to apply a multiplier up to a maximum of 3.46 to the statutory redundancy payment calculator to calculate the number of weeks pay an employee may receive.

- 4 Assessing each case on its merits, consider whether to make use of Regulation 12 of the Local Government Pension Scheme Regulations (Augmentation) to award additional years of pension service (1997 Regulations).
- 5 When considering points 3 and 4 above the criteria for considering each case will include but not be limited to;
 - I. The financial position of the council at the relevant time.
 - II. The personal circumstances of the member of staff in question, including their working history with the council. This may include, for example, length of service and disciplinary record.
 - III. The risk that the making of a payment at any particular level to the individual in question may lead to a loss of public confidence in the council.

The Council will not allow employees in membership of the Local Government Pension Scheme to convert the amount of lump sum compensation payment (in addition to the statutory redundancy payment) into added years of pension service.

Only one discretionary element (options 3 or 4 above) may be awarded.

Efficiency of the Service

In cases where employment is terminated on the grounds of 'efficiency of the service' the Council may exercise its discretion to make a payment as follows:-

- 1 Consider making a one-off payment, based on the merits of each case.
- 2 The payment will not exceed a maximum of 104 weeks.
- 3 Assessing each case on its merits, consider whether to make use of Regulation 12 of the Local Government Pension Scheme Regulations to award additional years of pension service.
- 4 When considering the 'merits of the case' and whether it is in the Council's interests to terminate an individual's employment on the grounds of efficiency of the service, the Council will include:
 - overall benefits to the Council taxpayer of the employee leaving the Council's service
 - direct financial savings and costs to be incurred by the employee leaving the Council's service
 - employee relations issues
 - as a general rule, the Council will seek to make a financial saving over the longer term through an efficiency termination.

The Council will not allow employees in membership of the Local Government Pension Scheme to convert the amount of lump sum compensation payment (in addition to the statutory redundancy payment) into added years of pension service.

Local Government (Early Termination of Employment) (discretionary Compensation) (England and Wales) Regulations 2000

Some discretions under the above Regulations continue to be relevant as they apply to pension scheme members who have added years pensions in payment under the Regulations. The relevant discretions are as follows:-

Regulation 17 - The Effect of New Employment on Part IV Compensation

If a member who is receiving a compensatory added years pension in accordance with Part IV of these Regulations is re-employed by a LGPS employer then the annual pension resulting from the award of a credited period will be reduced, or suspended, if the combined total of earnings from the new employment and pensions in payment exceed the value of the current rate of pay of the member's former employment.

It should be noted that this adjustment is in addition to any adjustment that may be made to the basic LGPS pension as a result of re-employment with a LGPS employer. Oxfordshire County Council has a policy, which it is required to make under other Regulations as the administering Authority for the Oxfordshire LGPS fund, which is as follows: -

- (a) no abatement to be applied to pensions of less than £1500 a year or when awarded to someone retiring on their own benefits (ie without added years)
- (b) in other cases abatement will apply if new earnings and pension in payment exceed 125% of leaving pay, increased by the appropriate pension increases.

Regulation 19 - The effect of Cessation of New Employment on Part IV Compensation

After ceasing the re-employment the credited period will be adjusted or stopped altogether if the resulting pension from the re-employment and the basic LGPS pension from the first employment exceed the value of the pension which could have been paid if the member had remained in the first employment until age 65.

Regulation 21 - Awards to Surviving Spouses and Children

Where more than one current, legal spouse has survived a deceased person, the annual compensatory added years pension will be divided equally.

A spouse's pension will continue to be paid even if the spouse remarries or co-habits, unless at 1.4.98 a pension was already suspended due to remarriage.

In the very rare event of a children's compensatory added years pension being payable in circumstances not covered by the main Pension Regulations full details will be supplied to the appropriate officer for a determination.

Local Government Pension Scheme Regulations (Benefits, Membership and Contributions) Regulations 2007 (as amended)

Regulation 5 - Contributions payable by active members

An active member shall make contributions to the Scheme at the contribution rate from their pensionable pay in each employment in which they are an active member. The contribution rate to be applied to pensionable pay in any financial year (starting with 1st April 2008) is the rate determined by the employer to represent the assumed pensionable pay for the forthcoming year.

Employer's policy

Cherwell District Council has resolved not to re-determine the contribution rate in the course of the financial year. The exception to this will be where a member requests a review of his/her contribution rate as a result of a change in jobs. See full policy details below.

PENSIONS BANDING POLICY STATEMENT

Local Government Pension Scheme
(incorporating changes resulting from the New Look Local Government Pension Scheme 2008)

Introduction

This policy statement incorporates changes to the Local Government Pension Scheme Regulations effective from 1 April 2008, together with locally agreed rules which have been negotiated and agreed with Unison.

It applies to all members of the Local Government Pension Scheme at 31 March 2008, and all those eligible to join the scheme under the scheme's regulations. All members of the scheme at 31 March 2008 will be automatically transferred into the new scheme. This excludes casual employees (see paragraph below).

Eligibility

To be eligible to join the scheme, individuals will have a contract with Cherwell District Council for at least 3 months, and be aged between 16 and 75. Casual employees do not have the option to join the scheme. All casual employees who are current members of the Local Government Pension Scheme will be informed that they can no longer be a member for their casual work, due to the change in regulations.

Contribution Rates

From 1st April 2008 the contribution rates will be changed from 6% to contribution bands based on whole time equivalent salary and pensionable allowances in accordance with the following table:

Band	Range (based on pensionable earnings) *	Contribution Rate
1	£0 - £12,000 pa	5.5%
2	£12,000.01 - £14,000.00	5.8%
3	£14,000.01 - £18,000.00	5.9%
4	£18,000.01 - £30,000.00	6.5%
5	£30,000.01 - £40,000.00	6.8%
6	£40,000.01 - £75,000.00	7.2%
7	£75,000.01 and above	7.5%
*The salary ranges above will be increased each year at 1st April in line with the Retail Price Index (RPI)		

The 5% protected contribution rate for former manual workers will be phased out between 2008 and 2010 as follows:

Effective Date	New Contribution Rate
1 April 2008	5.25%
1 April 2009	5.5%
1 April 2010	6.5% (or appropriate band as indicated above if it is lower)
NB Where an employee moves to a job which is no longer classified as a former manual occupation, they will transfer to a contribution rate based on the appropriate banding above.	

Assessment

An assessment of pensionable earnings will be made at 1st April each year based on the rules below. Once an assessment has been made there will be no other assessment during the year unless there is a change of job.

Employees in post at 31st March

The assessment will be made using the whole time equivalent salary applicable at 1st April together with any pensionable allowances based on:

Whole time equivalent basic salary for full and part-timers employed all year round, plus the actual pensionable allowances received for the previous financial year i.e. 1st April-31st March; **OR**

Whole time equivalent basic salary factored down to term time for term-time only employees, plus the value of the actual pensionable allowances received for the previous financial year ie 1st April-31st March.

Where there is a change of job, the contribution rate will be reassessed on the new salary, as determined below, and effective from the date of change.

A salary increase in the same post, or payment of a pensionable allowance in the same post, will not result in a revised assessment for that year.

Newly appointed employees

The assessment will be made as above, but where new appointments have contractual pensionable allowances paid as part of their regular salary, the expected amount and duration of these will be taken into account for the assessment.

Where new appointments have variable additional pensionable allowances paid by claim and not part of a regular salary, the pension contribution band will be assessed solely on their whole time equivalent salary as above. The pensionable allowances paid during the first financial year will only be taken into account in the following year's assessment.

Multiple Employments

Employees with more than one job with the Council will be assessed separately for each individual contract.

Pensionable Earnings

Any elements of pay which are pensionable will be made clear on the contract of employment.

Appeals

If an employee feels that their contribution rate has not been assessed correctly and in accordance with this policy statement, they must contact the Payroll Team Leader to ask for a breakdown of the assessment no later than 31 March in the year in which their assessed contribution relates, or 3 months following any change, whichever is the later.

Where it is confirmed that the assessment has been made in accordance with this policy statement and appropriate LGPS Regulations but the employee is challenging the assessment, then the complaint will be referred to the Payroll and Performance Manager.

If a complaint cannot be resolved satisfactorily then employees can use the Independent Resolving Disagreements Procedure (IRDP).

Head of Human Resources
March 2008

Alternative formats of these policies can be made available on request.
These include other languages, large print, Braille, audio cassette, computer disk or e-mail.
Please contact Human Resources.

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**LOCAL GOVERNMENT PENSION SCHEME****1 INTRODUCTION**

- 1.1 This scheme came into effect on 1 April 2008.
- 1.2 Membership of the Local Government Pension Scheme (LGPS) is automatic for all eligible employees up to age 75 unless they have specifically opted out. Details of the scheme are made available to all employees when they are offered employment with the Council.
- 1.3 This document is a summary of the key conditions of the new-look LGPS. Employees should refer to the Pension Scheme documents provided by Northamptonshire County Council (NCC) (as the administering authority) for more detailed information.

2 MEMBERSHIP

- 2.1 To be eligible to be an active member of the LGPS, employees, whether full time or part time, will need to have a contract of employment for three months or more. If an initial contract of a shorter period is extended to cover at least three months of employment, then the employee can opt to join the LGPS from the start of employment.
- 2.2 If an employee has only a casual contract of employment, then there would need to be sufficient evidence of mutuality of obligation (between the Council as the employer and the casual employee) before a decision could be made about whether the employee is eligible to join LGPS.
- 2.3 The conditions and benefits of membership are outlined in a guidance pack produced by NCC and available from the Council's Human Resources office. This pack is sent out with offers of appointment.
- 2.3 NCC will provide Annual Benefit Statements to scheme members including details of accrued benefits, and an indication of LGPS benefits that members of the scheme would accrue if they continue to be an active member of the Scheme until their normal retirement date. Such statements will be sent by NCC to employees at their home address, so employees need to make sure that any changes to personal circumstances, including address are notified to NCC.

3. CONTRIBUTION RATE

- 3.1 From 1 April 2008, the percentage of gross pay which employees will pay as their pension contribution will be based on the current table which is available from Expenditure. Once an employee is put into a particular band, as a general rule this will stay the same until **either**

the following 1 April (when, for example, the national pay award for the previous year would be taken into consideration if it had not been implemented by 1 April in that year, and/or in year increments would be taken into account) **or** until an employee is appointed to a different post within the Council, in which case any applicable new band would take effect from the date of commencement of employment in the new post.

- 3.2 The amounts quoted in the salary range in the table will increase on 1 April each year by the rise in the Retail Prices Index.
- 3.3 The bandings are based on full time equivalent pay so pay for part time employees will be uprated to the full time equivalent so that the correct contribution rate can be determined.
- 3.4 The contribution rate paid by the Council as the employer is determined every three years by the Pension Fund's Actuary and notified to all employers. The percentage is expressed as a percentage of pensionable pay.

4. PENSIONABLE PAY

- 4.1 Pensionable pay is defined by the LGPS regulations 2007 as being:

"all the salary, wages, fees and other payments paid .. in respect of .. employment" and "any other payment or benefit specified in [an employee's] contract of employment as being a pensionable emolument."

- 4.2 An employee's pensionable payment specifically does **not** include:

(a) payments for non-contractual overtime

(b) any travelling, subsistence or other allowance paid in respect of expenses incurred in relation to the employment;

(c) any payment in consideration of loss of holidays;

(d) any payment in lieu of notice to terminate the employee's contract of employment;

(e) any payment made as an inducement not to terminate an employee's employment before the payment is made;

(f) any amount treated as the money value to the employee of the provision of a motor vehicle or any amount paid in lieu of such a provision.

- 4.3 At the point of retirement, the period normally used to calculate an employee's retirement benefits will be the final year's pay (that is, the 12 months immediately prior to the date of retirement.) However, the LGPS regulations require that the last three years of pay are considered, and the best one of these three is chosen as the basis for determining retirement benefits.
- 4.4 As with banding rates (described at 3.3 above) part time employees will have their pension benefits assessed on the full time equivalent salary.

5. IMPROVING/INCREASING BENEFITS

There are several ways in which it is possible to increase retirement benefits by making extra contributions:

Additional Regular Contributions (ARCs)

- 5.1 An employee who is a member of LGPS can increase his/her benefits by paying Additional Regular Contributions. These payments are set by Government Actuary tables and provide for additional pension benefits of multiples of £250 per annum up to a maximum of £5,000. The ARC can be used to obtain additional benefits purely for the employee making these payments, or for the employee and his/her spouse. Additionally, the employee may also pay contributions into a Personal Pension or a Stakeholder Pension Scheme, although the employee concerned will need to make his/own arrangements to do this. Such additional contributions attract tax relief.

Additional Voluntary Contributions (AVCs)

- 5.2 An employee who is a member of LGPS can pay additional contributions into an AVC fund. These contributions are invested separately from the Scheme and LGPS members will have their own personal investment account. There are restrictions as to when members can draw out their investment. LGPS members can opt to invest in an AVC of their own choosing (known as a Free Standing AVC) or through one of the Northamptonshire Pension Fund's nominated AVC providers, namely Prudential Assurance or Standard Life. At retirement, the accumulated fund can be used to buy an annuity from an insurance company, bank or building society or to purchase membership in the LGPS (subject to certain eligibility criteria.) If an LGPS member carries on contributing to the LGPS beyond age 65, he/she will not be able to purchase an annuity until:
- he/she retires, or
 - he/she reaches the eve of his/her 75th birthday, or
 - he/she has the Council's consent for flexible retirement

(Note: Members will receive a fund statement from their chosen provider annually)

AVCs and extra LGPS benefits

- 5.3 On leaving the LGPS with immediate payment of pension benefits, an employee who is an LGPS member will be able to use the accumulated fund in his/her AVC account to buy a top-up pension from the LGPS. The top-up pension will provide an inflation proofed pension and benefits for dependants.

AVCs and increased lump sum

- 5.4 At retirement, an employee who is a member of LGPS can choose to take up to 100% of the accumulated fund in his/her in-house AVC account as a tax free lump-sum if this is drawn at the same time as the LGPS pension benefits, providing that, when added to the LGPS lump sum, it does not exceed 25% of the overall value of the LGPS benefits (including the AVC fund.)

6. RETIREMENT

- 6.1 The normal retirement date for LGPS members is at age 65 for both men and women. . However, in certain circumstances, it is possible for a member to stay in employment and in the LGPS up to the eve of his/her 75th birthday. Retirement benefits are paid from the earlier of:
- The employee's date of retirement
 - The eve of the employee's 75th birthday

6.2 For LGPS members working beyond the normal retirement date benefits accrued up to age 65 will be increased to reflect the fact that they have not been drawn at the age, and therefore they are expected to be paid for a shorter period of time.

6.3 Pension membership earned after age 65 will build up in the normal way.

Retiring on the grounds of redundancy or efficiency

6.4 If an employee who is also a member of the LGPS is made redundant by the Council, or is retired early by the Council on the grounds of the efficient exercise of the Council's functions, then the employee may be entitled to immediate payment of their LGPS benefits. (Until 31 March 2010, employees aged 50 or over would qualify for their LGPS benefits in these circumstances. However, from 1 April 2010, an employee would need to be aged 55 to be entitled to receive such benefits.)

Flexible retirement

6.5 LGPS allows employees over 50 (prior to 31 March 2010 – over 55 after that date) [to request their employer (in this case, the Council) to reduce their working hours or take a reduction in pay, by way of preparation for retirement. If either of these situations is granted, then employees can also request access to their pension benefits. However, accessing pension benefits flexibly is not an automatic entitlement and is at the discretion of the Council. The Council has already decided its policy on flexible retirement (see Appendix A to this policy)

Compassionate retirement

6.6 Under certain circumstances and with the agreement of the Council, a scheme member will be allowed to retire on compassionate grounds. This is explained in Appendix A.

Other early retirements

6.7 If an LGPS member has at least three months of membership of the Scheme, or has transferred membership from a previous scheme into the Northamptonshire Pension Fund, and is between 60 and 64, then he/she can leave voluntarily and receive immediate pension benefits, although these may be reduced.

6.8 Between the ages of 50 and 59 an LGPS member may also request early retirement, with the payment of LGPS benefits, but this would have to be the Council's agreement, and would need to come within the discretions described in Appendix A.

6.9 Retirement benefits are calculated as follows:

For service **prior to 1 April 2008**

$$\text{Annual Pension} = \frac{\text{Final pensionable pay} \times \text{Scheme membership}}{80}$$

$$\text{Retirement Lump Sum} = \text{Annual Pension} \times 3$$

For service **after 31 March 2008**

$$\text{Annual Pension} = \frac{\text{Final Pensionable Pay} \times \text{Scheme membership}}{60}$$

Retirement lump sum = nil

However, it will be possible to convert pension to lump sum at the rate of £1 of annual pension for £12 lump sum. Up to 25% of the pension benefit can be turned into a lump sum.

(note: If the LGPS member works part time, the membership is reduced to reflect part-time working but the full-time pay is used.)

7. SNC POLICY STATEMENTS (DISCRETIONS)

7.1 From time to time the Council is required to state its position regarding discretionary elements of the Pension Scheme. The Council's current policy in respect of discretions is set out in Appendix A.

8. LEAVING PRESENT JOB BEFORE RETIREMENT

8.1 Once a member leaves pensionable employment, he/she has several options:

Refunds

8.2 If an employee who is new to local government leaves within three months of commencing that employment, the employee can request a refund of the contributions he/she has paid. The refund will be made via payroll, and results in the employee being in a position as if he/she had never been a member of LGPS. As pension contributions are deducted from gross pay, tax adjustments may need to be made.

Transfers out of LGPS

- 8.3 At any stage, an employee who is a member of the LGPS can decide to transfer his/her pension benefits to another pension provider. The employee will need to contact NCC's Pensions Section to request that arrangements are made to put the transfer in place. The Pensions Section will be responsible for issuing a quotation for the value of the pension to be transferred, and the quotation will be valid for a period of three months. The employee will then need to ensure that he/she authorises the transfer within the three month period or a new quotation will be needed.

Deferred benefits – membership of LGPS of more than 3 months

- 8.4 An employee who is a member of LGPS for more than three months and who decides to leave the LGPS will become entitled to a deferred benefit. Once NCC's Pensions Section has been notified by the Council's Expenditure Section of the relevant leaver's details, the Pensions Section will send a form to the employee, giving information about the options available. The options are:
- to leave pension benefits in the LGPS until such time as the employee is able to access them (either on normal retirement age or if exceptional circumstances prevail, such as permanent ill – health)
 - transfer benefits to the pension scheme of a new employer
 - transfer benefits to a personal pension scheme
 - transfer benefits to a stakeholder pension

If the employee chooses to leave his/her pension benefits in the LGPS, he/she will be issued with an Annual Benefits Statement by NCC Pensions Section.

9 QUERIES AND FURTHER INFORMATION

- 9.1 Pensions in general are a complex issue. You can consult the Human Resources Team for general information, but not specific advice. Members of the scheme can make direct contact with the Pensions Team at Northamptonshire County Council. Contact details for them are available through their documentation.
- 9.2 If an employee who is a member of the scheme disagrees with a decision made by the Council, they have access to an Internal Disputes Resolution Procedure. In the first instance, disagreements should be referred to the Council's Accountancy Manager as the "specified person". Where a member remains dissatisfied with that person's decision they may refer the matter to Northamptonshire County Council (to the contact named in NCC documents, currently the Head of Financial Operations and External Relations).

EMPLOYING AUTHORITY (SNC) DISCRETIONS

With regard to paragraph 7.1 above, the Council's current policy in respect of discretions allowed under the relevant Regulations is as follows:

(a) Early retirement for employees between ages 50 and 60, and the operation of the "85 year rule"

To allow active scheme members aged 50 or more (and with three months or more service) and deferred beneficiaries to apply to retire with immediate payment of benefits and with no actuarial reduction, but on compassionate grounds only, compassionate grounds being defined as where an active member or deferred beneficiary needs to care full time for a close relative, spouse, partner or other dependant who, through illness, requires full time care for the rest of their life expectancy, which is anticipated to be in excess of 12 months from the date of the agreed medical advice.

(Note: Approvals under this discretion would only be exercised by the Appointments and Personnel Committee, following a full report, which included advice from the Council's medical adviser in respect of the person to be cared for.)

(b) Augmentation of scheme membership at any point during active membership of LGPS.

In exceptional circumstances only, and on a case by case basis, to exercise its power to augment LGPS membership under Regulation 52 of the Local Government Pension Scheme Regulations 1997 in cases where this is considered to be appropriate in lieu of a discretionary payment pursuant to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006.

(c) Establishment of a shared cost additional voluntary contribution (SCAVC) scheme

No exercise of this discretion.

(d) Treatment of pre 1988 service for widower's benefits

- (i) To allow those individuals presently contributing towards increasing spouses' pensions to have the additional contributions stopped, and to have the period for which payment was being made, usable for assessing spouses' pensions.
- (ii) To allow all married women to elect to count service between 1972 and 1988 for full spouses' pension.

(Note: Prior to 6th April 1988, the LGPS had different, much lower, provisions for widowers' pensions than it has had for widows' pensions. It was, however, possible for female employees to elect to pay increased contributions to increase the level of their widowers' benefits in respect of service between 1972 and 1988).

- (e) **Allow flexible retirement to permit an individual who has attained the age of 50 to reduce his/her hours, or the grade in which he/she is employed, and to permit pension benefits to be paid at the same time as remaining in the new employment.**

No exercise of this discretion

- (f) **Waiving the actuarial reduction for flexible retirement (in the circumstances described at (e) above).**

Not applicable in the light of (e) above

ADMINISTERING AUTHORITY (NCC) DISCRETIONS

In addition to the policy on discretions as the employing authority as outlined above, the Council has agreed to support the following Northamptonshire County Council proposals.

- (a) **Abatement of pensions**

To continue with the existing abatement rules as defined under current legislation.

- (b) **Remarriage and Cohabitation**

To continue with the payment of widows' and the widowers' pensions on the event of remarriage or cohabitation where the event took place on or after 1st April 1998.

Personnel Committee

Car User Policy Update

7 July 2011

Report of Head of People and Improvement

PURPOSE OF REPORT

To consider the Council's policy in relation to car and mileage allowances.

This report is public

Recommendations

The Personnel Committee is recommended:

- (1) To approve the changes to the Council's car user policy

Executive Summary

On the 1 April 2010 the Council implemented new terms and conditions for all employees as a result of the outcomes of job evaluation. It was agreed at the time of implementation that the existing car policy for essential and casual users would remain in place until the 31 March 2011 by which time the policy would have been reviewed. Employees who received essential user lump sums were protected until the 31 March 2011.

The Council renegotiated a new car user policy with the trade unions which went to ballot in January 2011. The new policy was implemented on the 1 April 2011. The new policy introduces a single mileage rate of 60p for any miles undertaken on council business.

Proposals

The Management Side and Unison put forward three proposals to Unison members to vote on. This included three options.

1/ New criteria for essential users where staff that have an obligation to respond to public safety, control or other enforcement activity would qualify for a lump sum of £1000 along with staff who had completed an average of more than 2000 miles in the previous two years. A standard 40p mileage rate would also be paid.

2/ The second option was based on an essential lump sum being paid. This would be calculated on previous mileage and the need to use the car for work purposes. A single 40p mileage rate would also be paid.

Mileage 0 – 1,000 = no lump sum

Mileage 1,001 – 1,250 = Lump Sum of £110 p.a.

Mileage 1,251 – 1,500 = Lump Sum of £320 p.a.

Mileage 1,501 – 1,750 = Lump Sum of £530 p.a.

Mileage 1,751 – 2,000 = Lump Sum of £745 p.a.

Mileage 2,001 – above = Lump Sum of £850 p.a.

3/ The final proposal was a single 60p per mile single mileage rate.

All proposals were deemed to be more cost effective than in the current year.

Previous Practice

There were 112 essential car users who received protection until the 31 March 2011. These staff received a lump sum and a mileage rate dependant on the engine size of the car and how many miles have been travelled to date i.e. either over or under 8500 miles.

Current Essential User Allowances & Mileage Rates (10/11)

Engine cc	451-999	1000-1199	1200-1450+
Lump Sum PA	£846	£963	£1239
First 8500	36.9p	40.9p	50.5p
Next 8500	13.7p	14.4p	16.4p

Casual users all received 65p per mile and no lump sum.

These arrangements have been time consuming to manage in the past due to the variance in allowances and the paperwork to ensure correct payment and taxation is made. Over the years this policy had fallen into misuse and generally had been used as a means to 'top up' salary, as anyone who was deemed to require their car for business usage was given an allowance irrespective of how many miles were actually done. The criteria used for essential users eligibility was unclear, and therefore by agreeing a new policy it should ensure removal of these issues.

Conclusion

The 60p single mileage rate was the agreed proposal following the Unison ballot, and as a result a new policy has been drafted to cover this along with other procedural arrangements. This policy now fits better with equality legislation as it is one rate and open to all staff. A copy of the policy is attached at appendix 1.

Key Issues for Consideration/Reasons for Decision and Options

The Council has an obligation to ensure its policies and procedures remain up to date in relation to employment law and are fit for the purpose they were implemented for.

There is no option but to agree the policy as this has been formally agreed with the trade unions and now forms part of a collective agreement. The policy was implemented on the 1 April 2011.

Implications

Financial: There are no financial implications in agreeing this policy, and it is likely that some savings may be seen.

Comments checked by Denise Taylor, Service Accountant, 01295 221982

Legal: The policy must be updated to ensure compliance with equality legislation and to ensure cost effectiveness in the future.

Comments checked by Nigel Bell, Interim Monitoring Officer, 01295 221687


Wards Affected

None

Document Information

Appendix	
Appendix 1	Car User Policy
Background Papers	
Copy of the Car User Policy	
Report Author	Anne-Marie Scott, Head of People and Improvement
Contact Information	01295 221731 annemarie.scott@cherwell-dc.gov.uk

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 <p>Cherwell DISTRICT COUNCIL NORTH OXFORDSHIRE</p>	<h2>Car User Policy</h2>
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Background

This policy is subject to a ballot and collective agreement which took place and was agreed in January 2011 and replaces all previous policies on essential and casual user allowances, the company car and car cash schemes including previous mileage rates.

Car User Eligibility and Mileage Rate

From the 1 April 2011 there will be no essential user lump sum. A fixed rate of 60p will be paid for all business mileage undertaken from the 1 April 2011. Note: This mileage rate applies to business mileage and post entry training scheme mileage.

What is Business Mileage?

Business mileage is mileage travelled to undertake the duties of the job.

What is Not Business Mileage?

Business mileage does not include normal travel between home and a permanent workplace (or multiple workplaces).

Mileage for interviews, relocation and any other non job specific travel is NOT included.

Private travel is also not included.

Insurance

All staff travelling on Council business **must** have insurance cover for business usage.

Documentation

The documentation relating to a vehicle that is used by a post holder who claims car mileage will be examined at the year end annual appraisal of that member of staff or if a new user prior to any car usage on Council business. The post holder must complete the work related road safety personal risk assessment and produce their driving licence for their line manager. Where the work related road safety personal risk assessment form identifies a risk that is medium or high the matter must be brought to the attention of People and Improvement who will decide on appropriate action to take.

The line manager who has checked the documentation should ensure a copy is forwarded to People and Improvement, where it will be filed on the post holder's personal file.

New post holders' who will undertake business car usage will be required to complete the work related road safety personal risk assessment and a medical questionnaire, and submit a copy of their driving licence when they commence employment.

It is the employee's responsibility to raise any changes in circumstances that might affect an eligibility to drive on Council business, with their line manager and consequently with People and Improvement, immediately when a change occurs.

Personnel Committee

Age Retirement Policy Update

7 July 2011

Report of Head of People and Improvement

PURPOSE OF REPORT

To consider the Council's policy in relation to age retirement.

This report is public

Recommendations

The Personnel Committee is recommended:

- (1) To approve the withdrawal of the Council's age retirement policy.

Executive Summary

Introduction

The Council introduced an age discrimination and age retirement policy in October 2006 as a consequence of the introduction of the Employment Equality (Age) Regulations 2006. This policy follows the statutory retirement procedures and includes provisions for the individual employee to request continued employment beyond the age of 65. At present an employee's contract is ended on the day before their 65th birthday, the default retirement age (DRA), unless their request for continued employment is approved, and an extension of up to one year is given.

Since 1 October 2006 when the Age Regulations were introduced, retirement has been included in the Employment Rights Act 1996 (ERA) as the sixth potentially fair reason for dismissal. Schedule 8 of the Age Regulations also amends the ERA to say that if the employer has followed the 'duty to consider' employment beyond age 65 at the employee's request to work and the contract of employment terminates on the notified intended date of retirement then retirement will be the reason for dismissal by the employer and any other reason shall be disregarded.

From April 2011 transitional arrangements will be in place for the removal of the default retirement age of 65. These changes include the removal of the

associated statutory retirement processes, including the employer's duty to provide notice of retirement and the employee's right to request to work beyond normal retirement age.

These changes mean that from 1 October 2011, employers will no longer be able to rely on the default retirement age to justify a dismissal for a compulsory retirement.

Employers who wish to dismiss older workers after the 1 October 2011 will have to do so in line with the requirements of section 98 of the Employment Rights Act 1996 (i.e. a fair procedure for dismissal for capability, conduct, illegality or some other substantial reason).

Proposals

Current Practice

The Government has confirmed that the Default Retirement Age (DRA) will be abolished with effect from 1 October 2011. The current DRA procedures allow employers to retire employees without fear of litigation provided they follow the statutory retirement procedure, the first step of which is to give the employee between six and twelve months' notice of the intended retirement date. This procedure will remain in effect until 6 April 2011.

Chronology of Changes

- **30 March 2011.** This will be the last date on which employers will be able to issue notice of retirement under the current DRA procedures to employees they wish to retire by 30 September 2011.
- **1-5 April 2011.** Transitional arrangements will be in place enabling employers to issue notices of retirement under the current DRA procedures.
- **6 April - 30 September 2011.** Between 6 April and 30 September 2011, only those employees who were told before 6 April, and who are due to retire before 1 October, can be compulsorily retired using DRA.
- **1 October 2011.** From 1 October 2011 employers will not be able to use the DRA to retire employees compulsorily.

Conclusion

Currently, retirement is regarded as a potentially fair reason to dismiss as long as the statutory retirement procedure is followed as within the Council's Age Retirement Policy. From 1 October 2011, as the DRA and from the 6 April 2011 when the statutory retirement procedure is withdrawn this Council will no longer be able to apply the Age Retirement Policy.

On this basis the Age Retirement Policy and the Age Discrimination Policy (that it exists within) need to be withdrawn with effect from the 6 April 2011.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The Council has an obligation to ensure its policies and procedures remain up to date in relation to employment law

There is no option but to withdraw the policy as the legislation and procedures will cease to exist with effect from the 6 April 2011.

Implications

Financial: There are no financial implications in agreeing this policy.

Comments checked by Denise Taylor, Service Accountant, 01295 221982

Legal: The policy must be updated to reflect the new legislation to avoid challenge.

Comments checked by Nigel Bell, Interim Monitoring Officer, 01295 221687

Wards Affected

None

Document Information

Appendix No	Title
Appendix 1	CDC Age Discrimination Policy
Background Papers	
None	
Report Author	Anne-Marie Scott, Head of People and Improvement
Contact Information	01295 221731 annemarie.scott@cherwell-dc.gov.uk

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AGE DISCRIMINATION POLICY



INVESTOR IN PEOPLE



Human Resources

	Page
Scope	3
Background	3
Overall Objectives	3
Policy Statement	3
Immediate Goals	4
Responsibility	4
Grievances	5
Monitoring	5
Communication	5
Planned Retirement Procedure	6
Working Beyond Retirement	6
Pension Implications	7
Appendix 1 : Letter – Intended Retirement Date Notification	8
Planned Retirement Request	9

(i) Scope

This Policy applies to all actual and potential employees, whether permanent, temporary or casual.

(ii) Background

We recognise that our people are our most valuable resource. We need to make the best use of the potential available to us from amongst all the people we employ.

We recognise the need for younger people to be encouraged into our workforce and nurtured as the most valuable future resource.

We also recognise that the labour market on which we find our human resources is changing, with older members of the population seeking the financial and social advantages that being in work may bring.

We understand that people may choose to extend their working lives beyond the age that was previously thought normal for retirement.

The Council intends to be above any criticism in its observance of the law against discrimination and to implement wholeheartedly its obligations.

(iii) Overall objectives

The objectives of this Policy are to :

- Establish the Council's normal retirement age (as required by the law).
- Prevent direct and indirect discrimination.
- Prevent harassment, victimisation and unfair treatment.
- Stimulate equity of treatment by the elimination of conditions, requirements, procedures and practices that are discriminatory and unjustified.
- Allow us to plan and to implement positive action where this is found to be required.

(iv) Policy Statement

The normal retirement age from the Council's service is 65 years. In consequence, the Council's employment of any individual will end on the day before his or her 65th birthday.

As a consequence of the Employment Equality (Age) Regulations 2006, the individual employee can when his or her employment is to be ended in this way, request that the Council considers the possibility of continuing the employment. To facilitate this, the Council will inform the employee six months before their 65th birthday of their options under this legislation.

Where a member of its staff requests that his or her employment continues beyond his or her 65th birthday, the Council will fairly and objectively consider this request, and where all other factors are equal, and the interests of the Council's service to its customers is in no way diminished, undertakes to respond positively, such an extension being normally for a period of one year, with a repeated review afterwards at a twelve month interval(s), such review taking place a minimum of 2 months before the retirement date.

Subject to the above, no worker, employee or job applicant will receive less favourable treatment on the grounds of his or her age. All HR management procedures, and particularly our selection criteria and our training/development criteria will ensure that individuals are selected, promoted and treated solely on the basis of their real merits and abilities.

Immediate goals

The Council will take action :

- To eliminate questions identifying age from its Application Forms.
- To monitor the age of applicants, of those short-listed and those appointed.
- To eliminate references to age or to periods of time in Person Specifications, and to replace these with more focussed descriptions of the skill, experience or competence that is actually sought.
- To examine why certain qualifications are a requirement of its Person Specifications, challenging their age implications.
- To immediately begin the process whereby staff are informed six months before their 65th birthday of their “planned retirement”.
- To audit its terms and conditions and to eliminate any use of age related criteria that are unjustifiable in law.
- To audit its payment framework, and plan to eliminate features giving advantage or disadvantage on the basis of age which are unjustifiable in law.
- To fairly and objectively consider any request made by any member of its staff that their employment continues beyond their 65th birthday and where all other factors are equal, and the interests of the Council’s service to its customers is in no way diminished, to respond positively, such an extension being normally for a period of one year, with a repeated review afterwards at a twelve month interval(s).
- Where any employee requests such an extension, the Council requires that the any manager taking such a decision must be advised by Head of Human Resources.

(v) Responsibility

The Council will provide the resources required for the implementation of this Policy. The Council will support action within the framework of its agreed disciplinary procedures should this be found to be required if breaches of this Policy arise. Decisions of Committees, panels, etc., will support the objectives of the policy.

The Council will monitor the implementation of this Policy.

The Council will make an Appeal process available to any employee who makes a request to his or her manager for a continuation of their employment and where this is refused, such an Appeal being for the employee to choose to take up.

The Chief Executive, and all managers are responsible for the implementation of this policy within their areas of responsibility. Where breaches of the Policy occur the Council requires action to be taken. Where such breaches are brought to a manager’s attention, victimisation of the individual alerting the Council to the matter may be illegal and will be a breach of the policy.

Those of the Council's staff who recruit and select staff, or select staff for training, or administer training have a particular responsibility for implementing this Policy.

The Head of Human Resources has particular responsibilities identified in this Policy statement. Implementation of this Policy is not solely his/her responsibility however, that is a matter for those who manage the Council's staff, their recruitment, selection and training.

Individual employees of the Council should ensure that their personal actions conform to the requirements of this Policy and that where any breach of the policy comes to their attention they draw this to the attention of their managers.

Individual employees requesting that they continue to be employed after their 65th birthday can be accompanied at any meetings to discuss this matter by their Trade Union Official, or another employee of the Council.

(vi) Grievances

An employee considering that the Council has failed to implement this Policy can utilise the Council's agreed Grievance procedure to have the matter resolved.

An applicant for a post who draws to the Council's attention that this Policy has not been observed and that as a result he or she is disadvantaged can draw that to the attention of the Head of Human Resources.

(vii) Monitoring

The Council will not ask for the age of any individual upon its usual recruitment application form, but will confine itself to the question "Are you aged between 16 and 65 – "yes"/"no".

The Council will however monitor the age of those who apply for work with it, through a more detailed supplementary monitoring system. The result will be annually reported to the Council, and the report will include detail of complaints raised by applicants.

(viii) Communication

The Council will draw this Policy to the attention of all its employees..

Wording identifying the Council's Normal Retirement Age, and its consequences for individuals will be included in the Council's normal employment contract documentation. The text to be used will say : *"The normal retirement age from the Council's service is 65 years. In consequence, this contract will end on your 65th birthday. The Council intends to remind you of this at least six months before that date. At that time you will also be informed (as a consequence of the Employment Equality (Age) Regulations 2006), that you can request that the Council considers the possibility of continuing your employment."*

The Council will draw attention to this Policy in information published about its vacancies to potential applicants.

The implications of this Policy will be included in appropriate training courses, as determined by the Head of Human Resources.

PLANNED RETIREMENT PROCEDURE

The Council will follow a statutorily required process to notify employees of their coming retirement. This will achieve the “planned retirement” which, in law, is a fair reason for ending employment. It must be implemented when any employee is nearing the Council’s Normal Retirement Age (NRA), which is fixed by the Council’s Policy to be the age of 65.

Our authority for this requirement is a Statutory Instrument : the Employment Equality (Age) Regulations 2006.

The Council will :

- Notify the employee in writing at least six months (but no more than 12 months) in advance of the intended retirement date, which would be the day before their 65th birthday. This will be necessary even if the contract documentation already states the retirement date. A model letter is at Appendix 1 below.
- Tell the employee in the letter that they will have the ‘right to request’ to work beyond their normal retirement age.
- An employee who wishes to continue at work beyond their 65th birthday should respond by completing and returning the form attached to the letter.

1.2 Working beyond retirement

- Any employee who wishes to continue working beyond age 65 may request that their employment continue indefinitely, for a stated period or until a stated date.
- The employee’s request to continue working should be made in writing no less than three months but not more than six months before their 65th birthday.
- The manager responsible must arrange to meet with the employee to discuss any such request. The meeting must be held within a reasonable period of the request being received. Both the manager and the employee must take all reasonable steps to attend the meeting.
- A colleague, who can put the employee’s case and confer with the employee during the meeting, may accompany the employee to the meeting. However, they should not answer for him or her questions that are put to the employee.
- Although the employee can seek to continue to work for an ‘indefinite’ period, it is up to the manager to agree the period. The Council’s policy is that this

should be for one year, with a review and the possibility of further one year periods thereafter.

- Following the meeting, the manager will inform the employee in writing of the decision.
- If it is agreed that the employee continues in work, he or she will be advised in writing of their new retirement date. This will amend their contract of employment.
- If the manager decides that the employee will not continue working beyond age 65, then the employee must be notified in writing that the retirement will take effect on the day before the 65th birthday.
- The employee must also be told that they have a right of appeal over the decision. This will be as provided in the Council's Grievance Procedure.
- Managers should note that the Regulations do not require that a reason for refusing the employee's request needs to be identified to the employee. However, the manager may think it appropriate to discuss the reasons for the decision, which would need to be identified in any Appeal.
- Our staff can make only one request to carry on working. However, if the request is granted and a new retirement date is then established, further requests to carry on working beyond that new retirement date can then be made according to the timetable set out above.

(a) Pension implications

Further details of the appropriate pension scheme implications may be obtained from Pensions Services, Oxfordshire County Council, Tel: 01865 815527.

Human Resources

Anne-Marie Scott FCIPD Head of Human Resources



DISTRICT COUNCIL
North Oxfordshire

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Please ask for **Anne-Marie Scott** Our ref Your ref
Direct Dial **01295 221731** Fax **01295 221529** Email anne-marie.scott@cherwell-dc.gov.uk

Dear

Intended Retirement Date

From our records we note that you reach the age of 65 on XXXXXX, which is the normal retirement age for employees of the Council.

The Council anticipates that you will retire on that day, and if that is your wish, please accept our good wishes for a long and contented retirement.

You may be aware that you can request to work beyond the age of 65 and the Council needs to gain an understanding of whether you wish to apply for an extension to your contract, beyond normal retirement age. I would therefore be grateful if you would complete and return the attached form indicating either:

- That you intend to retire at age 65, or
- That you wish to seek the Council's agreement to work beyond age 65. You will need to submit your request in writing to me at least 3 months before your 65th birthday, i.e. by XXXXXX. Please indicate how long you might want the extension of your employment to last. Please note that such a request can (within the law) be refused.

If you have any queries regarding your retirement or the contents of this letter, please talk either to your line manager or to a member of the Human Resources department.

Yours sincerely

Anne-Marie Scott
Head of Human Resources

PLANNED RETIREMENT
To be completed by the employee

Please tick as appropriate and return to Human Resources, Bodicote House

<input type="checkbox"/>	I wish to proceed with my intended retirement date at age 65 or at the end of my current extension to permanent employment period which is on:- (date):
<input type="checkbox"/>	I wish to request that I continue to work beyond the age of 65 or beyond the end of my current extension to permanent employment period which is on (date): and I wish to work on:- <input type="checkbox"/> Indefinitely <input type="checkbox"/> For a stated period of (please state for how long) <input type="checkbox"/> Until a certain date (please state date)

Name:	
Department:	
Signed:	
Date:	

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PERSONNEL COMMITTEE

Employment Statistics Quarter 3 – 2010/2011

7 July 2011

Report of Head of People & Improvement

PURPOSE OF REPORT

This report details employment statistics for Quarter 3 2010/11, by Directorate, for information and monitoring purposes.

This report is public

Recommendations

The Personnel Committee is recommended:

- (1) To resolve to note the contents of this report

Executive Summary

Introduction

1.1 Employment Statistics October 2008 to December 2010

During the above period, the following quarterly changes took place in respect of individual employments.

Staff transferred to other employers under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) are excluded from the statistics shown in this report.

	Oct to Dec 2008	Jan to March 2009	April to June 2009	July to Sept 2009	Oct to Dec 2009	Jan to March 2010	April to June 2010	July to Sept 2010	Oct to Dec 2010
Permanent – Starters (incl. Internal Transfers)	17	16	19	10	11	17	10	4	4
Permanent – All Leavers	22	18	29	19	26	40	12	5	12
Permanent – Voluntary Leavers (Leaving CDC) *	13	6	8	10	8	8	8	3	4
Temporary and Casual – Starters	8	12	11	9	8	13	10	7	5
Temporary and Casual – Leavers	26	18	9	4	6	41	9	15	10

* excludes internal transfers, age retirements, early retirements and redundancies, ill-health dismissals and retirements, other dismissals and TUPE transfers.

The turnover rates for permanent and fixed term staff for this quarter and the previous 2 years, are illustrated in the graph at Appendix 1.

- 1.2 The table attached at Annex 2 contains details of numbers of permanent and fixed term employees at Cherwell District Council as at 31 December 2010 by Directorate and Service area, and detail staff movement and corporate capacity for the quarter.

Implications

Financial: All financial effects of changes can be contained within existing approved budgets.

Comments checked by Denise Westlake, Service Accountant 01295 221982

Risk Management: There are no risks associated with the contents of this report.

Wards Affected

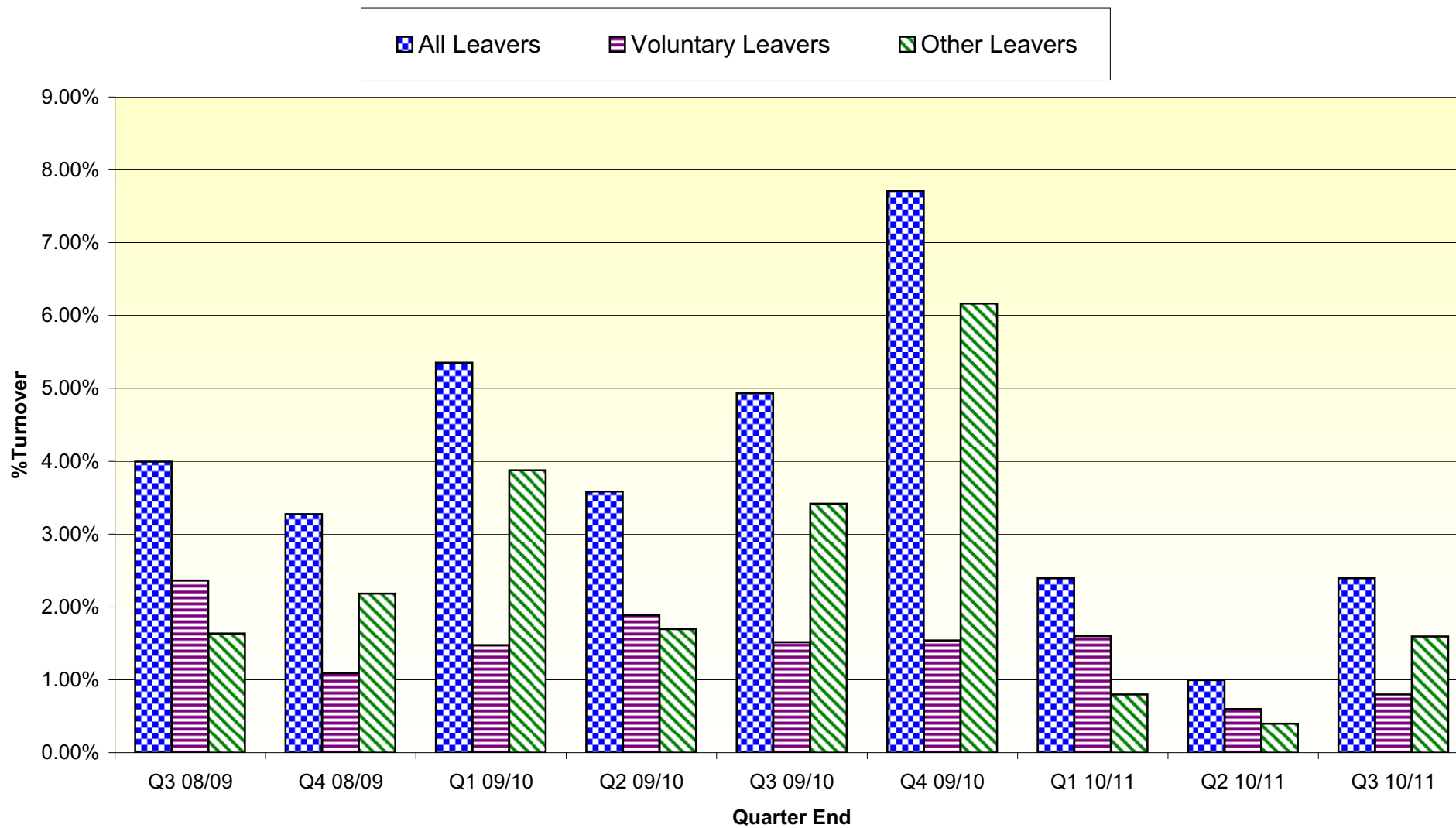
Not applicable

Document Information

Appendix No	Title
Appendix 1	Quarterly Staff Turnover
Appendix 2	Establishment/Turnover at end of Quarter 3 – 31/12/10
Background Papers	
None	
Report Author	Anne-Marie Scott, Head of People & Improvement
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Quarterly Staff Turnover



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ESTABLISHMENT END Q3 - 31/12/2010		Established		Filled		Vacant		All Including Internal Transfers				Leaving CDC		Voluntary Leavers		Staff in post at 30/09/10	
Directorate	Service	Posts	FTE	Posts	FTE	Posts	FTE	Starters	Leavers	Turnover	Corp Cap	Leavers	Turnover	Leavers	Turnover	Posts	FTE
Chief Executives	Chief Executive's Admin Inc Mgmt	13	12.49	13	11.96	0	0.53	0	0	0.00	100.00	0	0.00	0	0.00	13	12.35
	Corp Strategy & Performance	6	5.50	6	5.72	0	-0.22	0	2	33.33	100.00	1	16.67	0	0.00	6	5.72
	CSR Admin	6	6.00	5	5.00	1	1.00	0	0	0.00	83.33	0	0.00	0	0.00	5	5.00
	Finance	34	32.97	34	30.51	0	2.46	0	1	2.86	100.00	1	2.86	1	2.86	35	31.59
	Legal & Democratic	25	22.95	24	20.87	1	2.08	1	2	8.33	96.00	1	4.17	0	0.00	24	20.87
	People & Improvement	15	14.60	14	13.21	1	1.39	0	0	0.00	93.33	0	0.00	0	0.00	14	13.26
Totals		99	94.51	96	87.27	3	7.24	1	5	5.15	96.97	3	3.09	1	1.03	97	88.79
Planning, Housing and Economy	Building Control & Eng Svs	9	9.00	9	9.00	0	0.00	0	0	0.00	100.00	0	0.00	0	0.00	9	9.00
	Development Control & MD	24	24.00	22	19.96	2	4.04	0	1	4.35	91.67	1	4.35	1	4.35	23	21.37
	Housing Services	37	36.16	35	34.16	2	2.00	0	0	0.00	94.59	0	0.00	0	0.00	36	34.56
	Planning Policy & Economic Dev	19	18.08	19	17.42	0	0.66	0	0	0.00	100.00	0	0.00	0	0.00	18	16.42
	PHE Admin Inc Mgmt	26	23.66	26	23.30	0	0.36	1	2	7.69	100.00	2	7.69	1	3.85	26	23.30
	Regeneration & Estates	25	17.45	23	16.83	2	0.62	0	0	0.00	92.00	0	0.00	0	0.00	24	17.83
	Totals		140	128.36	134	120.68	6	7.68	1	3	2.21	95.71	3	2.21	2	1.47	136
Environment & Community	Customer Services & Info Sys	65	59.43	59	51.84	6	7.59	2	1	1.72	90.77	0	0.00	0	0.00	58	50.77
	ENC Admin Inc Mgmt	13	11.40	13	11.26	0	0.14	0	0	0.00	100.00	0	0.00	0	0.00	13	11.26
	Environmental Services	122	118.55	119	115.94	3	2.61	0	1	0.83	97.54	1	0.83	0	0.00	120	116.94
	Recreation & Health	37	27.60	35	26.56	2	1.04	0	1	2.78	94.59	1	2.78	0	0.00	36	27.26
	Safer Comms, Urban and Rural	48	44.45	44	40.57	4	3.88	0	1	2.33	91.67	1	2.33	1	2.33	43	41.08
	Totals		285	261.43	270	246.18	15	15.25	2	4	1.48	94.74	3	1.11	1	0.37	270
TOTAL	Directorate	99	94.51	96	87.27	3	7.24	1	5	5.15	96.97	3	3.09	1	1.03	97	88.79
	Chief Executive	140	128.36	134	120.68	6	7.68	1	3	2.21	95.71	3	2.21	2	1.47	136	122.48
	Planning Housing & Economy	285	261.43	270	246.18	15	15.25	2	4	1.48	94.74	3	1.11	1	0.37	270	247.32
	Environment & Community	524	484.30	500	454.13	24	30.17	4	12	2.39	95.42	9	1.79	4	0.80	503	458.59

Note: Turnover is calculated on numbers of leavers as a percentage of staff in post as at end of previous quarter

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Personnel Committee

Employment Statistics Quarter 4 – 2010/2011

7 July 2011

Report of Head of People & Improvement

PURPOSE OF REPORT

This report details employment statistics for Quarter 4 2010/1, by Directorate, for information and monitoring purposes.

This report is public

Recommendations

The Personnel Committee is recommended:

- (1) To resolve to note the contents of this report

Executive Summary

Introduction

1.1 Employment Statistics January 2009 to March 2011

During the above period, the following quarterly changes took place in respect of individual employments.

Staff transferred to other employers under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) are excluded from the statistics shown in this report.

	Jan to March 2009	April to June 2009	July to Sept 2009	Oct to Dec 2009	Jan to March 2010	April to June 2010	July to Sept 2010	Oct to Dec 2010	Jan to March 2011
Permanent – Starters (incl. Internal Transfers)	16	19	10	11	17	10	4	4	8
Permanent – All Leavers	18	29	19	26	40	12	5	12	23
Permanent – Voluntary Leavers (Leaving CDC) *	6	8	10	8	8	8	3	4	9
Temporary and Casual – Starters	12	11	9	8	13	10	7	5	2
Temporary and Casual – Leavers	18	9	4	6	41	9	15	10	3

* excludes internal transfers, age retirements, early retirements and redundancies, ill-health dismissals and retirements, other dismissals and TUPE transfers.

The turnover rates for permanent and fixed term staff for this quarter and the previous 2 years, are illustrated in the graph at Appendix 1.

- 1.2 The table attached at Annex 2 contains details of numbers of permanent and fixed term employees at Cherwell District Council as at 31 March 2011 by Directorate and Service area, and detail staff movement and corporate capacity for the quarter.

Implications

- Financial:** All financial effects of changes can be contained within existing approved budgets.
Comments checked by Karen Muir, Corporate System Accountant 01295 221559
- Risk Management:** There are no risks associated with the contents of this report.

Wards Affected

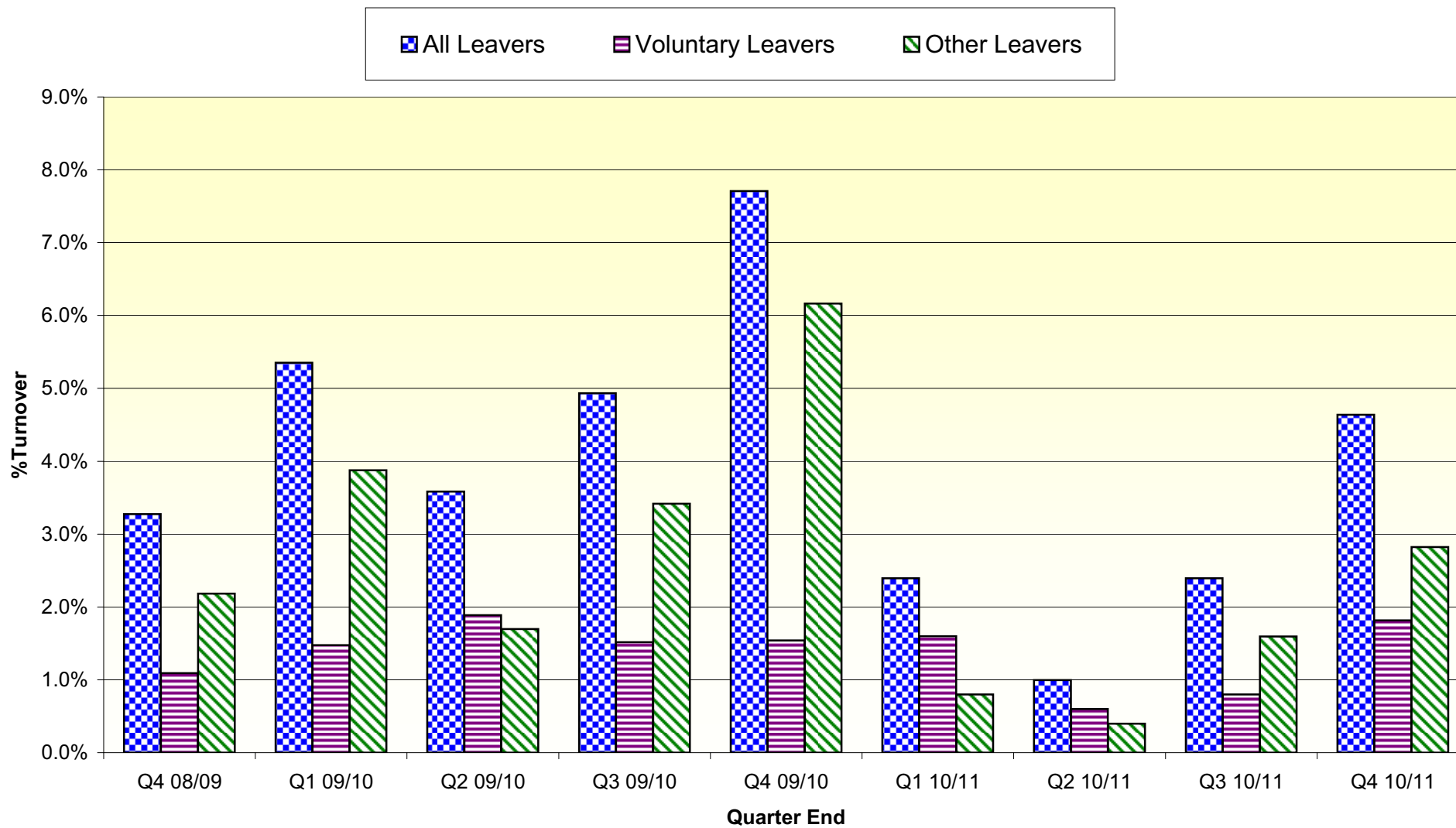
Not applicable

Document Information

Appendix No	Title
Appendix 1	Quarterly Staff Turnover
Appendix 2	Establishment/Turnover at end of Quarter 4 – 31/03/11
Background Papers	
None	
Report Author	Anne-Marie Scott, Head of People & Improvement
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Quarterly Staff Turnover



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ESTABLISHMENT END Q4 - 31/03/2011		Established		Filled		Vacant		All Including Internal Transfers				Leaving CDC		Voluntary Leavers		Staff in post at 31/12/2010	
Directorate	Service	Posts	FTE	Posts	FTE	Posts	FTE	Starters	Leavers	Turnover	Corp Cap	Leavers	Turnover	Leavers	Turnover	Posts	FTE
Chief Executives	Chief Executive's Admin Inc Mgmt	13	12.49	12	11.09	1	1.39	4	6	46.15	92.31	2	15.38	1	7.69	13	11.96
	Corp Strategy & Performance	5	4.50	5	4.72	0	-0.22	1	1	16.67	100.00	1	16.67	0	0.00	6	5.72
	CSR Admin	0	0.00	0	0.00	0	0.00	0	0	0.00	0.00	0	0.00	0	0.00	5	5.00
	Finance	33	32.35	33	29.97	0	2.38	0	2	5.88	100.00	2	5.88	2	5.88	34	30.51
	Legal & Democratic	24	21.95	22	19.90	2	2.05	0	2	8.33	91.67	2	8.33	2	8.33	24	20.87
	People & Improvement	15	14.60	14	13.08	1	1.52	0	0	0.00	93.33	0	0.00	0	0.00	14	13.21
Totals		90	85.89	86	78.76	4	7.13	5	11	11.46	95.56	7	7.29	5	5.21	96	87.27
Planning, Housing and Economy	Building Control & Eng Svs	9	9.00	9	9.00	0	0.00	0	2	22.22	100.00	1	11.11	0	0.00	9	9.00
	Development Control & MD	24	24.00	22	20.17	2	3.83	0	0	0.00	91.67	0	0.00	0	0.00	22	19.96
	Housing Services	37	36.16	34	33.49	3	2.68	0	1	2.86	91.89	1	2.86	0	0.00	35	34.16
	Planning Policy & Economic Dev	19	18.08	18	16.42	1	1.66	0	1	5.26	94.74	1	5.26	1	5.26	19	17.42
	PHE Admin Inc Mgmt	25	23.66	25	22.80	0	0.86	0	0	0.00	100.00	0	0.00	0	0.00	26	23.30
	Regeneration & Estates	25	17.45	23	16.83	2	0.62	0	2	8.70	92.00	2	8.70	0	0.00	23	16.83
	Totals	139	128.35	131	118.71	8	9.65	0	6	4.48	94.24	5	3.73	1	0.75	134	120.68
Environment & Community	Customer Services & Info Sys	70	64.43	63	55.84	7	8.59	0	0	0.00	90.00	0	0.00	0	0.00	59	51.84
	ENC Admin Inc Mgmt	13	11.40	12	10.26	1	1.14	0	0	0.00	92.31	0	0.00	0	0.00	13	11.26
	Environmental Services	122	118.55	119	115.94	3	2.61	2	4	3.36	97.54	4	3.36	2	1.68	119	115.94
	Recreation & Health	39	29.96	37	28.31	2	1.65	0	1	2.86	94.87	1	2.86	1	2.86	35	26.56
	Safer Comms, Urban and Rural	48	43.28	44	39.78	4	3.50	1	1	2.27	91.67	0	0.00	0	0.00	44	40.57
	Totals	292	267.62	275	250.14	17	17.48	3	6	2.22	94.18	5	1.85	3	1.11	270	246.18
TOTAL	Directorate	Posts	FTE	Posts	FTE	Posts	FTE	Starters	Leavers	Turnover	CorpCap	Leavers	Turnover	Leavers	Turnover	Posts	FTE
	Chief Executive	90	85.89	86	78.76	4	7.13	5	11	11.46	95.56	7	7.29	5	5.21	96	87.27
	Planning Housing & Economy	139	128.35	131	118.71	8	9.65	0	6	4.48	94.24	5	3.73	1	0.75	134	120.68
	Environment & Community	292	267.62	275	250.14	17	17.48	3	6	2.22	94.18	5	1.85	3	1.11	270	246.18
Totals		521	481.86	492	447.61	29	34.26	8	23	4.60	94.43	17	3.40	9	1.80	500	454.13

Note: Turnover is calculated on numbers of leavers as a percentage of staff in post as at end of previous quarter

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