

Summary of Policy Recommendations/Decisions: Council 17th February 2017

- 1) Approval of the report “Pay Accountability in Local Government: Pay Policy 2017/18.
- 2) Approval of Pay Policy Statement 2017/18: Appendix A
- 3) Re-approve the policy provisions on re-employment of ex-employees.
 - a. “The Council will not re-employ ex-employees who have been made redundant (or left in the “efficient exercise of the service”) until a period of time has elapsed that is equal in length to the number of weeks’ pay their compensation payment equates to, e.g. a redundant employee in receipt of 25 weeks redundancy pay would not be eligible for consideration for re-employment until 25 weeks after their termination date has passed. The same restriction will apply in respect of the placement of such ex-employees via Employment Agencies. Service Managers wishing to consider re-employing ex-employees must seek the approval of their respective Head of Service, Strategic Director and the Head of Corporate HR prior to the shortlisting stage of the recruitment process. For the avoidance of doubt there can be no re-employment before the relevant time period has elapsed. If there is a wish to re-employ the necessary approvals must be sought and obtained in advance. The need to seek approval is open ended not time limited.”
 - b. “The Council will not re-employ staff whose termination of employment is covered by a Settlement Agreement or COT3. The same restriction will apply in respect of the placement of such ex-employees via Employment Agencies. Delegated authority will be given to the Chief Executive (posts in Regulatory & Housing and Law & Governance), Strategic Directors (for posts in their respective services), Head of Corporate HR & Head of Law and Governance to consider any pre or post termination requests to waive this policy provision on a case by case basis”. A number of factors will be relevant in considering requests to waive this policy provision including, financial, working relationships and trust and confidence (this is not an exhaustive list).In the event that a request to waive is agreed, ex-employees will not be able to recommence employment with CCBC (after an open advertisement and successful outcome from a recruitment and selection process) until a period of time has elapsed that is equal in length to the number of weeks’ pay their compensation payment equates to (see paragraph a above for an example).
 - c. “The Council will not employ ex-employees under a “contract for services” i.e. self-employed/consultancy, unless a business case can be made that there are particular skills and expertise needed for service provision and such skills and expertise cannot be readily and efficiently

sourced through other means. The business case would need to be prepared by the appropriate Head of Service and agreed with the respective Portfolio Holder(s) and the Senior Leadership Team. Again for the avoidance of doubt there is no qualifying period or time limit and no distinction is made between the reasons for departure and the policy provision. It is an absolute, if an individual leaves the Council's employment no matter on what basis and wishes to sell their services under a contract for services the aforementioned business case route must be followed in advance."

- d. "The Council must ensure that its employment policies and their application, do not result in direct or indirect discrimination contrary to law for people in any of the Equality Act's "protected characteristics." To ensure that the Council does not discriminate, no applicant will be automatically debarred from consideration for employment or re-employment purely because they are in receipt of a public or private sector pension. To deny a person of pensionable age who may have been made redundant and as a consequence accessed pension benefits the right to seek re-employment (because they are in receipt of a pension) may be either direct or indirect age discrimination because it is highly likely that the impact of the Policy would have a disproportionate impact on individuals of a particular age e.g. over 55 in local government."
- 4) Re-approve the continuation of current Discretionary Compensation Policy provisions.
- a) "The Council's approach to statutory and discretionary payments on termination of employment of Chief Officers (and all other employees), prior to retirement, is set out within its Discretionary Compensation Policy as approved by the Council on 27th January 2011, and the Redundancy Policy in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006. This is in respect of a redundancy payment being based on actual weekly earnings (Regulation 5) and, when an enhanced redundancy payment of up to a maximum of 45 weeks' pay could be granted (Regulation 6) and, when discretionary compensation of up to 24 weeks could be granted for "interests of the efficiency of the service" terminations. Regulations 12 and 13 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007 do not apply, as the Authority does not increase the total membership of active members (Regulation 12) or award additional pension (Regulation 13).
 - b) "All proposals to award a discretionary compensation payment for redundancy or interests of the efficiency of the service, or a request to waive actuarial reduction of pension earliness costs to the

employee, must be constructed as a business case on an appropriate standard template provided by Corporate HR. Where the business case relates to the Chief Executive, Strategic Director or a Head of Service and the sum does not exceed the threshold of £100k (Welsh Government Revised Guidance Relating to Pay Policy Statement 2014) the Senior Employment Committee (5 members of the SEC for this function) will consider the case and make a decision. If the threshold of £100k is exceeded the SEC will make a recommendation to the Council. In all other cases delegated authority to exercise discretionary powers under the policy is granted to the appropriate Strategic Director/Chief Executive, Section 151 Officer (Strategic Director Finance & Efficiencies), Head of Corporate HR and Head of Law and Governance in consultation with the Portfolio Holders for Finance and Resources and Communication.

- 5) Delegated authority to continue to be given to the Head of Corporate HR and the Head of Law & Governance (Monitoring Officer) to make and publish minor changes to the Pay Policy.